TRANSPORTATION PERMIT EFFICIENCY AND ACCOUNTABILITY COMMITTEE (TPEAC)

Highlights from the Thirtieth Meeting

Squalicum Boathouse, Squalicum Harbor
Port of Bellingham, WA

June 21-22, 2005

COMMITTEE MEMBERS PRESENT

VOTING
Senator Dan Swecker, Senate Republican Caucus
* Senator Phil Rockefeller, Senate Democratic Caucus
Representative Dave Upthegrove, House Democratic Caucus
Representative Doug Ericksen, House Republican Caucus
Megan White, Washington State Department of Transportation
Peter Birch for Greg Hueckel, Washington State Department of Fish and Wildlife
Jackie White for Joan McBride, Association of Washington Cities
Maureen Morris for Scott Merriman, Washington Association of Counties
Scott Boettcher for Gordon White, Washington State Department of Ecology

NON-VOTING
* Dan Dixon, Consulting Engineers Council of Washington
Christine Golightly, Columbia Inter-Tribal Fish Commission
* Mike Grady, U.S. Fish and Wildlife Service/NOAA Fisheries
Darrell Phare, Northwest Indian Fisheries Commission
* Ann Aagaard, Statewide Environmental Group
Rick Slunaker, Association General Contractors of Washington
Bryan Flett, Upper Columbia United Tribes
* Grant Nelson, Association of Washington Business
*Dave Johnson, Washington State Building and Construction Trades Council

INVITED
* Muffy Walker for Tom Mueller, U.S. Army Corps of Engineers
Sharon Love for Dan Mathis, Federal Highway Administration
Tom Eaton, Environmental Protection Agency

* Denotes no representative in attendance

For more information on many of the presentations at the meeting, please visit TPEAC online at
http://www.wsdot.wa.gov/environment/streamlineact/TPEAC_schedule.htm#Highlights

AGENDA ITEM

1. WELCOME, INTRODUCTIONS, AND ANNOUNCEMENTS

Senator Swecker convened the meeting at 1:00 p.m.

Senator Swecker introduced legislators, invited local officials, TPEAC members, TPEAC staff, and other guests.

Welcome and Opening Remarks

Pete Kremen, Whatcom County Executive, and Jack Louws, Mayor of Lynden, thanked TPEAC for the opportunity to attend the meeting and to communicate the needs of Whatcom County. Both Pete and Jack are impressed with the goals of the committee and look forward to future projects.

2. MARCH 23, 2005, MEETING SUMMARY APPROVAL

The previous meeting summary was approved as written.

3. REGIONAL FISHERIES ENHANCEMENT GROUPS

Sheila North, Regional Fisheries Enhancement Groups (RFEGs), and Rich Bowers, Nooksack Salmon Enhancement Group (NSEA), talked about the status of the TPEAC-funded RFEG Pilot Study. The RFEGs completed a site prioritization process that is being used and tested in six different areas of the state to generate mitigation project lists that can be used by the RFEGs and WSDOT. NSEA is working on developing a list of potential restoration/mitigation projects that could be used by WSDOT in WRIA 1. Rich and Sheila talked about the SR- 539 Project and how it will benefit salmon enhancement and how the partnership brings expertise and the group looked forward to a future of salmon restoration.

4. WHATCOM COUNTY PROJECT OVERVIEW

Hal Hart, Whatcom County Planning Director, noted that the environmental permitting process for capitol projects in Washington State has become increasingly complex. Regulatory agencies are challenged to protect vulnerable resources, including wetlands, potable water supplies, threatened salmon stocks, and water bodies such as Hood Canal and Puget Sound. Meanwhile, public works and other capitol improvement projects are devoting more time and money to the tasks of assessing impacts and designing mitigation for their projects at a time when public dollars for transportation and other infrastructure are in high demand.

Whatcom County is conducting a landscape-scale assessment of ecosystem processes to support development of the County's new shoreline master program. This landscape analysis examines key watershed processes such as the movement of water, sediment,

heat/light, and nutrients across the landscape. Whatcom County is identifying key processes within the landscape that are critical to aquatic resources -- mapping areas on the landscape that are important to the operation and maintenance of these processes, assessing how these processes have been altered by human activity, and determining restoration and management needs for each watershed.

With increasing growth occurring in the north and the 2010 Winter Olympics approaching, a large impact will be felt by Whatcom County. Wetland mitigation, maintaining the purchase of land for natural resources, updating environmental planning, and development of planning and reinvesting in smaller towns are just a few areas that Whatcom County personnel are currently working on. A "one-stop shop" at the county will open next week for city and county permits. The front desk will have an experienced person to help with the permit process and provide the ability to check on the permit process through software.

5. WSDOT Project Overview of State Route-539

Marco Foster and Martin Palmer, both of WSDOT, presented an overview of the SR-539 Project. The project will increase safety, improve freight movement, and relieve congestion by widening more than six miles of Guide Meridian Road (SR-539) north of Bellingham- between Ten Mile Road and Badger Road- from two lanes to four. . WSDOT also plans to build roundabouts at six key intersections. The project will also separate north and southbound traffic with a median except through Lynden, where we will extend the two-way left turn lane.

Due to the 2003 Transportation Funding Package, the project schedule was accelerated and will be completed before the 2010 Winter Olympics in Vancouver, British Columbia.

Martin talked about partnership and the value in working with other agencies to bring a project to completion. Agencies coordinate on all issues that may come up to find a resolution. Martin described some of the anticipated environmental impacts of the project, such as wetland and other aquatic impacts, and crossing the Nooksack River. WSDOT has solicited the Lummi and Nooksack Tribes on this project for their input. Martin described the Multi-Agency Permit Team (MAP Team) process and introduced Kim Harper from the Department of Ecology. Kim described the MAP Team's early involvement in the SR-539 Project. WSDOT's unique involvement on the MAP Team has helped to give it a more successful approach. The MAP Team has open communication with counties throughout the area and local jurisdictions are involved in determining project impacts to businesses.

6. SR 539 Pilot Project

County Public Works and Planning representatives presented information on this project. The goal was to use information from existing local watershed plans to identify and recommend off-site mitigation for expected project impacts. Bruce Roll, Whatcom County Public Works, explained the pilot project and the process. Margaret Clancy, Parametrix, talked about landscape analysis, including mitigation and watershed areas. She looks for indicators to determine if restoration is needed, and also maintains

hydrology. Restoration opportunities lead to mitigation banking opportunities and water quality improvements.

7. Local Government-Watershed –Mitigation Template

Rick Anderson reported on the work of cities and counties to integrate land use and watershed plans. A handout was provided that covered Whatcom County-wide planning efforts. It included: WRIA 1 Watershed Management Plan, Shoreline Master Program Update, Bertrand Creek CIDMP, Critical Areas Ordinance Update, Salmon Recovery Plan, and GMA Comprehensive Plan.

8. Tribal Government

Darrell Phare welcomed everyone and introduced the other tribal members in attendance. Darrell talked about some of the lessons learned from TPEAC. He mentioned that the TPEAC Watershed Subcommittee was working on action items for implementing the watershed approach, including an action item about including information from the Tribes. The action item states: "Support Inclusion of Tribal Priorities, Information, and Restoration Opportunities into Locally Developed Restoration Datasets". The Tribes will continue working on this action item. Darrell talked about the sensitivity of tribal lands and how training is necessary for a complete understanding. He also noted some concerns the Tribes have with TPEAC, including the programmatic permits and WSDOT's selection and use of consultants. Darrel provided an update on some of the work of Megan Beeby, WSDOT Tribal Liaison to the Environmental Services Office. Megan has been meeting with each of the Tribes to determine their organizational structure and to update maps outlining areas of tribal responsibility. She is also reviewing permits that the Tribes have.

Darrell opened up meeting to the other tribal members in attendance:

Randy Kindly, Lummi Tribe, would like for the government understand that his Tribe has experts in all areas of mitigation. Randy would like to update SR 539 with tribal concerns. He would like to be involved in the planning of the projects and work with TPEAC to ensure a partnership with the quality of the land.

Herman Williams, Tulalip Tribe, noted the Tribes have come a long way in being involved. Tribes want to be involved in the front end rather than the back end. Herman pointed out that we are all trying to save and restore salmon. WSDOT sends out a lot of papers and letters, but they need more meaningful dialogue with the Tribes. Tribes want to be involved in the beginning of a project. More and more artifacts and cultural items are being found and meaningful dialogue needs to take place. Salmon management is also a big concern.

Larry Wasserman, Skagit River Co-op, spoke for two Skagit Tribes. Skagit Tribes want to be involved in the permit process and need to have meaningful input on projects.

Funding is available to deal with individual project reviews but not to deal with large initiatives. He also mentioned the importance of having individual interaction with each Tribe because each has individual needs and interests.

George Lee, Yakama Nation, expressed his concern about the streamlining of the permit process. He wants to see cooperation between TPEAC and the Tribes. In general, the Tribes agree that they would like more interaction with the permitting process and communication with salmon management, mitigation policies, and projects.

Brian Flett, from the Spokane Tribe and TPEAC Tribal Liaison, said that messages from the Tribes are consistent throughout the state and that the Eastside Tribes have the same concerns as those expressed by other Tribes at the meeting. Early consultation with Tribes is extremely important and cannot be stressed enough. The Tribes are not necessarily opposed to streamlining if it's done right. They want and need to get things done quickly, too. We need to understand some of the limitations the Tribes have. Funding limitations often prevent them from participating in things that they want to do. Tribes follow a moral authority and put protections of natural resources first. Senator Swecker asked about the selection of consultants and why this was an issue for the Tribes. Darrel explained that the Tribes do not consider the consultants as WSDOT staff, and that the consultants may not have the same level of trust from the Tribes or interests as WSDOT does.

9. TPEAC Website

Scott Boetcher and Molly Arrandale.

Molly Arrandale, TPEAC communications intern, presented an overview of her work to date and asked attendees to provide her with feedback to shape her next steps. Molly is working for Scott Boettcher at the Department of Ecology. She is developing a website presenting a case study of the TPEAC experience. Since starting in early May, she has spoken with past and current TPEAC participants to gain a sense of the committee's origins, evolution, and accomplishments. At the presentation, a CD containing an introductory piece about her work to date was handed out to meeting participants. The disk contained information about: the project objectives, a work plan, a list of conversations she's had with people she's interviewed regarding TPEAC, and a timeline of events relevant to TPEAC, coupled with a background piece aiming to capture the story behind the committee's creation. Molly would appreciate comments, corrections, and/or additions to these first attempts from those interested in this project.

Molly presented a mock-up of the website that she has been working on displaying her tentative organizational structure. The website will potentially be located within the Office of Regulatory Assistance's website as part of a "Spotlighting Series". The site's organization would center on five content "buckets":

- About TPEAC, which would contain background information explaining the need for TPEAC, identifying its members, purpose, etc.
- Process, to capture the committee's structure, chronology, and effective collaboration;
- Products, to highlight successful and innovative outcomes;

- Lessons Learned, which would contain an honest account of the committee's missteps and less successful outcomes; and
- Practitioner's Corner, a resource for audiences interested in applying the TPEAC experience to their own efforts.

Following the presentation, committee members and participants raised questions and made suggestions to help refine Molly's future work. Several key issues raised included the need for links to active sites as a means of providing viewers access to current efforts; text describing the intent and contents of each bucket when the viewer links to that page; and the use of graphics to demonstrate concepts and to help draw the viewer in. Molly distributed a PDF of the website mock-up for review and comments from meeting participants.

10. Tour Logistics

Carrie Berry and Julie Ruster provided a schedule of events for the dinner and bus tour of SR 539.

They include the following:

- SR 539 Ten Mile to Badger Road Project
- Guide Meridian (SR 539) to the City of Lynden
- Wiser Lake
- Schneider Ditch site
- East-Hemi Site

11. Closing and Adjournment

The meeting was adjourned at 5:00 p.m.

TRANSPORTATION PERMIT EFFICIENCY AND ACCOUNTABILITY COMMITTEE (TPEAC)

Highlights from the Twenty-Ninth Meeting

Comfort Inn & Conference Center
1620 74th Avenue SW
Tumwater, WA 98501

Wednesday, March 23, 2005

For more information on many of the presentations at today's meeting, please visit TPEAC online at: http://www.wsdot.wa.gov/environment/streamlineact/TPEAC_schedule.htm#Highlights

COMMITTEE MEMBERS PRESENT

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* Representative Phil Rockefeller, House Democratic Caucus
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Megan White, Washington State Department of Transportation
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INVITED
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Sharon Love for Dan Mathis, Federal Highway Administration
* Tom Eaton, Environmental Protection Agency

* Denotes no representative in attendance.

AGENDA ITEM

1. WELCOME, INTRODUCTIONS, & ANNOUNCEMENTS

Senator Swecker convened the meeting at 9:12 a.m.

2. DECEMBER 8, 2004, MEETING SUMMARY APPROVAL

The minutes from the previous meeting were approved as written.

3. JOINT LEGISLATIVE AUDIT & REVIEW COMMITTEE (JLARC) REPORT

Senator Swecker announced that the state Transportation Performance Audit Board (TPAB) will decide next Thursday whether there will be a special audit of the Hood Canal Bridge graving dock site. He then offered the floor to Steve Lerch, JLARC analyst, and Gary Walvatne, TechLaw, Inc., who provided an overview of the JLARC report process, both in broad terms and how it relates specifically to TPEAC.

JLARC's preliminary report released last month stated that Washington is a national leader in promoting environmental permit streamlining for transportation projects, and compares favorably with other states that have advanced streamlining programs.

TPAB assigned JLARC the task of preparing and releasing the preliminary report, entitled "Overview of Environmental Permitting for Transportation Projects." TPAB, which was created in 2003 by the Legislature, conducts performance measure reviews and identifies performance audits to be undertaken for transportation agencies. JLARC staff conduct performance audits on behalf of TPAB.

According to the report's general conclusions, the internal review of Washington State's streamlining program evaluated the success of 38 streamlining activities or areas. It said several activities within the state's streamlining program were found to perform favorably relative to the assessment criteria of reduced time, reduced costs, improved environmental performance, and stakeholder satisfaction.

The report made three summaries of management recommendations:

● WSDOT should investigate the types of project delivery designs being implemented in Florida and Minnesota. The report said WSDOT staff has been in contact with the Florida DOT to obtain information on its process.

● WSDOT and natural resource agencies should consider standardizing geographic information system (GIS) and other relevant electronic data so that they can be easily exchanged within and across agencies and among external stakeholders.

● WSDOT and the natural resource agencies should investigate the use of the best available scientific information as a substitute for project field survey work. Use of the best available scientific data avoids costly and time-consuming fieldwork.

The report grouped streamlining efforts under one of three themes: people-oriented initiatives, which include coordination of project schedules across agencies, development of multi-agency teams, and dispute resolution methods; policy-oriented initiatives, which efforts to provide more flexible

approaches to mitigate the environmental impacts of transportation projects, improve environmental compliance training and monitoring, and increase public involvement in the development of transportation projects; and permit innovations, which include the creation of programmatic permits for many routine maintenance activities that avoid the time and effort to develop individual project permits, and the development of online permit applications, which are easier and faster for people to access and submit.

Peter Birch asked about the possible overlap of federal and state resource agencies, and whether there might be jurisdiction issues. Steve replied that this differs from some other programs that are handed to the state to manage. Peter followed up by inquiring as to the smartest way to handle such an instance. Steve answered that the federal agencies are limited by statutory agreements, and unless Congress gives them more latitude, their hands will remain tied.

Andy Meyer asked where the local government process fits in. Steve replied that, unfortunately, the short window of time in which they were operating left them little time to focus on that, but agreed that that would be a great issue to explore. Primarily, the audit board focuses on state agencies. Megan White added that there are ten projects that TPEAC has approached very iteratively, and TPEAC is making a concerted effort to get at all the current projects we can, and the local aspect will be included.

Scott Boettcher asked what other states are doing with multi-agency teams. Gary stated that Florida has the biggest, with a staff of about 50 people, and they are getting engaged early on in the process.

Linda Hoffman asked what the next step for TPEAC would be and how TPEAC can show these report results in quantifiable terms. Steve replied that the tangible piece by which to gauge the report will be a graphical representation of these findings.

Senator Swecker made the comment that he felt that, at some point, this should be institutionalized and then distributed among the resource agencies after the TPEAC sunset so that they can go forward. Gary replied that they didn't look at this from the perspective of how it affected the TPEAC sunset. The Senator also commented that, as a result of TPEAC, we've encountered roadblocks that reach far beyond the transportation venue. We take that and look at what we now face, and all the while we need to take a long look at the broader context. Steve replied that that's exactly one of the biggest things that JLARC set out to do.

4. WSDOT'S ENVIRONMENTAL GEOGRAPHIC INFORMATION SYSTEM (GIS)

For the past six years, WSDOT has been developing, refining, and operating the Environmental GIS Workbench, an elaborate and expansive custom computer application built for use in scoping transportation projects. It is, in essence, WSDOT's in-house guidebook for accessing environmental data and analysis tools within the agency's computer network. Elizabeth Lanzer, WSDOT's Environmental Information Program (EIP) Manager, offered the group a glimpse into the system's capabilities.

Elizabeth explained that the EIP works with approximately 30 different federal, state and local agencies to maintain its collection of the best available data for statewide environmental analysis. While the best available environmental GIS data often has considerable limitations, Elizabeth noted that it generally provides a good flag for likely environmental issues affecting project planning.

When it began compiling data for the workbench six years ago, WSDOT had 70 data sets; that number has since swelled to 500. Washington State data exchange standards were established a year ago, for which state agencies have a 99 percent compliance rating. WSDOT has also signed appropriate data license agreements for any sensitive data sets. As Elizabeth explained, the inclusion of those sensitive data sets is one of the key reasons why this information is available to WSDOT staff only.

Rick Slunaker asked whether these data sets are based more on actual reported information, or if they are generated from projections. Elizabeth replied that her team works from a combination of both, starting with and relying on projected data provided by the agencies, but that they apply any additional research as it is reported. She added that this is a great tool because, in a way, it helps the agencies to determine what they're missing.

Elizabeth then walked the group through various examples illuminating the breadth of the workbench's site-specific capabilities. Elizabeth noted the relative facility with which one can negotiate the user-friendly interfaces. The process is quite simple: the resource agency provides any number of criteria (layers) specific to its project; a data set is formulated and created; the mapping of those layers follows. The system is so efficient and effective that other WSDOT offices are now clamoring for a workbench of their own.

An important tool within the workbench is the State Route (SR) tool, with which WSDOT project employees can actually get a view of how the project looks, in either roadside or aerial view format. This enables one to view, say, a well here, perhaps wetlands over there, maybe an historic site up the road a ways. In some cases, moving image footage is available as well.

Senator Swecker asked about the use of "best available" data and its possible limitations (i.e., dated information). Elizabeth emphasized that the GIS Workbench serves to provide "the starting point, not the science," and that this data can be applied using the best available science. She also noted that WSDOT is reporting the requested data in the context in which the work will be done. Megan White added that this is a great head start for any project.

The question was posed as to the frequency of data set updates. Elizabeth answered that sensitive data is updated quarterly, while other information is updated regularly, essentially as often as it is provided by the appropriate sources.

Senator Swecker inquired as to the possibility of using filters or screens of some kind so that the public could access this, albeit on a limited basis. Megan White replied that such an arrangement would create the problem of WSDOT having to become something of a public administrator for the program. WSDOT is already faced with the difficult task of keeping up with the ever-increasing level of demand from within its own offices, and taking the time to field questions from the public would slow the process down even more.

Sharon Love asked about the Florida university that functions as an information clearinghouse for that state's GIS workbench, and whether a similar arrangement could be made for Washington. Elizabeth replied that there has been dialogue between WSDOT and many of the other agencies that submit the data sets, and they simply are not comfortable with the practical issues of a state university serving as a repository for and steward of all of this data.

Senator Swecker joined many others among the group in offering Elizabeth and the other members of the EIP high praise for their efforts in the workbench's creation.

5. TPEAC SUCCESSES STEERING COMMITTEE

At the last TPEAC meeting, a committee was formed to explore how to better communicate TPEAC successes, as well as develop a vision for continued regulatory improvement work after TPEAC's sunset. The committee met on January 31 to brainstorm both topics.

From that meeting came a new communication objective: to define an approach that will be cost effective, and can be accomplished within the next year. Ideas that emerged are a TPEAC website; the use of workshops, conferences, and publications as forums in which to tell the story; building an educational program for local government agencies; and a Q & A folio.

The design of the webpage will be handled by an intern at Ecology (the internship is being advertised beginning today). Rick Slunaker suggested that since the money is available in the budget, it might be best to hire an outside contractor. He stressed that it's too important that TPEAC get this out sooner than later, that people need to see these successes immediately.

Senator Swecker asked if the timeliness of a website would be an issue. Megan replied that the committee would keep it scoped so that it can be built over several months. Carrie Berry cited Scott Boettcher's efforts on seeing this through. She noted that there are many ideas on what should be included, but that help is needed putting it together. Scott replied that the intern would provide that help, working to research and compile the content.

On the subjects of the handoff and accountability, Megan stated that it's time to evolve, integrate the work, to fold it into the scope of the resource agencies. Two of the key things are relationships and products- the agencies will need a strong nucleus of involved players to keep the regulatory work moving. The Office of Regulatory Assistance (ORA) could play a key role as convener or regulator. No matter how the handoff is done, WSDOT will continue to strive to meet the expectations established by TPEAC. WSDOT will not shy away from its inherent responsibilities.

Linda Hoffman was then introduced to the group. She left Ecology three weeks ago, and has been asked by the Governor to work with ORA to develop the state's new transportation budget. Over the past three months, she's been working with both state agencies and local governments to assemble that vision. She stressed that the broader agenda of improvements needs to be better focused and utilized. TPEAC's model is one that the state should apply on a much larger scale. She added that both TPEAC and the state as a whole need to focus on those projects which are feasible, to keep the vision from getting so big that we've positioned ourselves to fall well short of our goals.

Rick Slunaker asked whether there existed a line of provisions for ORA. Linda replied that, as it currently operates, ORA is not budgeted for the assuming the "takeover" of the handoff of TPEAC. Rick added that he wouldn't want to wait for the Legislature to make that decision, but that he would rather TPEAC attempt to get its funding this year. Senator Swecker added that other budget ideas should be directed to Linda, as she will be meeting with many other agencies to see what they can bring to that table.

6. REGIONAL FISH ENHANCEMENT GROUP COALITION (RFEGs) & WATERSHED SUBCOMMITTEE

Sheila North led off by presenting to the group RFEGs findings to date, as well as the proposed Prioritization Methodology. She also encouraged Legislative and agency feedback as Phase II begins and project lists are developed. Phase I covered December through March; Phase II begins today and continues through June.

Ann Boyce of the Stilly Snohomish Task Force then walked the group through a static model for the ranking criteria process. Whereas WSDOT's focus or goal here is mitigation, theirs is salmon recovery, so the general idea is to find a place to land in the middle: a salmon-centric view of mitigation. The model has been sent to various agencies for comment, which the RFEGs will compile and apply before testing begins. If there's anything that needs adjusting, the task force will fix it along the way. They will then resubmit it to Sheila, who will present the finished product to TPEAC.

The question was raised whether any WSDOT offices or regions are already implementing this methodology. Ann replied that it's brand new, that it's just now hitting the streets. Barb Aberle replied that WSDOT is still determining the best way to produce the best means for implementation.

Linda Hoffman commented that, at least initially, this appears more focused on salmon than wetlands. Ann agreed, but pointed out this model was designed with wetlands in mind as well, and that this strategy will prove to be quite useful when applied to watershed planning.

Rick Slunaker asked how the sites were chosen. Ann replied that the 400 to 500 criteria were culled from interviews, meetings, and technical information on the Internet, and then submitted to WSDOT and other lead entities for comment. This model represents the first cut based on what the RFEGs found. Weight was given to certain variables based on site specifics, but it was built as a statewide model, so that each side of the mountains can weight variables accordingly. Ann added that their hope is that any state agency can use this.

Rick Anderson then commenced with an involved presentation on the watershed field tests. It has been a collaborative effort: the Washington State Association of Counties (WSAC), the Association of Washington Cities (AWC), Whatcom County, and Walla Walla County, are working together to demonstrate how integration of watershed plans with land use plans can improve local government planning processes and meet TPEAC objectives. The counties have taken very different pathways to remarkably similar results in integrating their respective plans.

7. LOCAL GOVERNMENT TASK FORCE

Jackie White reported that the task force canvassed the state in 2004, asking for feedback from local government agencies, basically inviting them to come to the table with any insights they might have on Shoreline Maintenance Act (SMA) exemptions. With these exemptions, it's critical to bring these players together, and the earlier the better.

What the task force found is that SMA exemptions are being applied inconsistently by local jurisdictions throughout the state. Streamlining an exemption process for routine roadside and ferry service maintenance activities would be beneficial. Notification of WSDOT activities that are occurring within the jurisdiction- even if it is an exempt activity within WSDOT right of way- is desired by local governments.

Much has evolved over the last few years with regards to the SMA. The Attorney General's Office rendered an informal opinion that routine maintenance activities should continue to be reviewed under SMA and that efforts should be focused on streamlining the SMA Exemption process to enable efficient, timely review of these projects. As a result, the task force is developing a letter of exemption describing what is expected from the state that will satisfy local governments. Jackie expressed optimism that it will be met favorably.

Scott Boettcher asked whether WSDOT would request the letter on a per-project basis. Jackie replied that that still needs to be determined, and also clarified that Ecology would issue the letter.

Senator Swecker inquired as to how many counties are interested in participating, and whether all counties will participate. Jackie replied that the task force is hopeful, that they just need to prove to the local jurisdictions that this will benefit them.

Brian Flett cautioned that exemptions must be monitored carefully, because at the local level, some agencies have difficulty understanding their responsibilities to the tribes. Jackie replied that this is a programmatic approach, not a license to run amok through the process.

8. HOOD CANAL REHABILITATION PROJECT

In spite of recent developments that have slowed his project to a near standstill, project director Eric Soderquist asserted that WSDOT remains true to its vision of a rehabilitated Hood Canal Bridge. This is, after all, a project borne of a preservation need: WSDOT is there, first and foremost, to improve and repair an aging structure. He added that, at the time of its selection for pontoon and anchor construction, the graving dock site offered the added benefit of being used for future projects as well, including the SR 520 bridge rebuild.

With that, Jeff Sawyer, WSDOT's environmental manager on the project, presented an in-depth look at the recent arc of the project's curious trajectory. It culminates with WSDOT's recent decision to shut down all construction on the graving dock site, a decision reached at the behest of the Lower Elwha Klallam Tribe. The Tribe asked WSDOT to abandon the project due to the breadth of the site's historic significance. The question now is how to move forward.

Senator Swecker asked whether there were divergent opinions concerning the site among Tribal members. Jeff replied that at the time of the initial consultations, the Tribe was largely consistent- if not consensual- that discovery of historic resources was unlikely, although there was knowledge of an historic village in the vicinity.

Bryan Flett suggested that some of the Tribal elders might have felt that they couldn't come forward with what they knew, for fear of how that knowledge might be used or interpreted. He stressed that there are cultural issues at play in such situations that absolutely must be considered. Darrel Phare added that there is a natural disconnect between state government and tribal government, and therefore, this could very well happen again. Senator Swecker replied that there was no overt attempt on behalf of WSDOT to "run over" tribal jurisdiction. "The better relations are between WSDOT and the tribes," he added, "the better off we'll all be."

Bryan asked what sort of input or advice the Tribe did provide to WSDOT. Jeff replied that, at the time, the Tribe did not have its own cultural resources program, which is why they hired a consultant when the first discoveries were made. The Tribe has since developed their own program and can collaboratively plot strategy along those lines.

A question was raised regarding security at the graving dock site. Jeff stated that the site was not initially completely fenced, but there was 24-hour security, most of which was provided by the Tribe. Now, with construction shut down, WSDOT has put up an eight-foot fence (which remains locked), and the site is staffed during all business hours. WSDOT has also covered and protected all human remains. Above and beyond that, the Tribe is sending its own people out to monitor the site. The initial security firm hired by the contractor was almost immediately fired for lack of trust and accountability.

Senator Swecker asked whether there is any wisdom in construction concurrent with site evaluation: is it wise to move forward before all the facts are in. Eric replied that it's easy to second-guess, but in this case it wasn't just a matter of being ill prepared. The principal parties involved concurred that enough investigation had been done, so it's a tough fault to find, a difficult blame to place.

Eric added that a new project team is aligning, and that a conversation between the Tribe and WSDOT continues regarding the possible construction of a pad on which to build anchors. Senator Swecker also mentioned that TPEAC will decide next Thursday whether there should be a special audit of the graving dock.

9. COMMERCE CORRIDOR

Arno Hart, consultant for Wilbur Smith, summarized the results of a study to determine the feasibility of the Washington Commerce Corridor (WCC), conceived as a north-south alternative to I-5 that facilitates the movement of freight, goods, people, and utilities. The Legislature directed the study, and required that the evaluation of the WCC's feasibility be based on the willingness and ability of the private sector to build and operate this proposed corridor.

The study area begins in the vicinity of Lewis County, extends north to the Canadian border, and contains I-5, the mainline railroads, and major intercity pipeline facilities, which each operate on separate rights-of-way but roughly in the vicinity of I-5.

A project of such profound breadth and scope as this required extensive review. The study focused on two fundamental issues: sufficient demand and overall feasibility. However, the conclusions of the report leave the project- or at least the idea of the project- steeped in uncertainty.

On the issue of demand, the study could not justify the WCC, based on the lack of interest from two principal entities, the energy sector and the commercial rail industry. From an energy standpoint, there isn't demand sufficient enough for the purchase of all the necessary right-of-way. Further, the location of the WCC doesn't match market forecasts for energy distribution, so building a single corridor doesn't fit into a long-term plan. The study could also not justify relocating commercial rail lines. Already, 95 percent of Burlington Northern-Santa Fe's freight traffic in Washington moves east-west, not north-south. Nor is there sufficient demand for toll roads: passenger tolls won't work due to the

short duration of most trips along the corridor; truck tolls are not realistic because there just isn't enough volume.

There are three main components of the feasibility issue: cost, legalities, and environmental and communal effect. Here again, the WCC cannot be justified: the cost is much too high, the legal aspects too complicated, and the impact on the environment and surrounding communities too great.

Arno stressed that he was brought on board to increase the likelihood of outcome, the certainty of which is the single biggest issue the private sector is likely to have on a project like this. He suggested curtailing the broader ambitions of the WCC project, and refocusing on a scaled down, freight-only corridor.

Senator Swecker noted that this process has gone a long way to determine how to approach a multi-agency, multi-jurisdictional project of this scale. He expressed some disappointment at the findings in the report, as the building of this corridor was the reason he got involved in TPEAC.

Previous to this meeting, a multi-agency panel had been convened to devise a permitting strategy for project. The members of the panel- Peter Birch, Terry Swanson, Gregor Myhr, Muffy Walker, and Mike Grady- expressed consent that permitting such a project would be an arduous process, but that early coordination- perhaps even years before permitting would begin- would be the best first step.

10. TRIBAL ROUNDTABLE

Megan Beeby, Tribal Liaison to DOT's Environmental office, led off the roundtable with a short synopsis of DOT's Tribal Conference last October. She mentioned that Barb Aberle served as chair of a TPEAC forum at the conference. Unfortunately, the forum was not productive for a number of reasons, namely the heightened tension surrounding the Port Angeles Graving Dock project. She also reported that during the Environmental session, WSDOT committed to meeting with each tribe individually to discuss consultation.

Brian Flett noted that it took a lot of understanding and sensitivity on the part of the state agencies to appreciate the Tribes' perspectives on the graving dock issue. Brian also suggested getting the State Historic Preservation Office (SHPO) more involved with TPEAC. He believes that SHPO could play a vital and helpful role in TPEAC proceedings, and that they have a good understanding of policy level engagement.

Brian also expressed concern about the lack of understanding on the part of local government agencies when it comes to federal mandates. It's a matter of convenience to delegate to the local level but once it gets there too much time and money are wasted. He suggested further review of and discussion on the topic.

Brian also cautioned against what he perceives as WSDOT's recent tendency to be too quick to "think outside the box". As he put it, "The Tribes like being creative in mitigation too, and thinking outside the box is great, but we should all work to solve the problems inside the box first." He also spoke on what he calls the "stigma of consultation": when WSDOT comes to the tribes, it means something is going to be taken from the tribes along the way, so WSDOT should be sensitive to that.

Darrell Phare then spoke on the importance of patience and deliberation. "We seem to go after the TPEAC issues with a sense of urgency, and everyone has their own list of what's urgent to them," he said. The Tribes are natural skeptics, and that can't be taken for granted in the consultation process. He asked that WSDOT understand that when you come to the Tribes, the attendant inclination is to suspect, to be leery, to read between the lines. WSDOT should always strive to offer clear, concise lines of communication, and make efforts to be sure that all the key players are well aware of one another.

Christine Golightly added that the need for early Tribal involvement is of critical importance, adding that it is the part of the process that simply cannot be streamlined.

Senator Swecker noted that one of the goals of TPEAC is to have better outcomes, and he is very sensitive to the fact that we must slow down the consultation process. Tribes operate in a circular manner, while non-tribes are far more linear, and we need to sensitive to that at all costs. Brian cited the Eastern Region office for making strides in that area. The Senator added that consultation shouldn't just be a box we check or a hurdle we clear along the way, but rather an ongoing process.

Megan closed by noting that WSDOT's project managers are willing and able to go about the consultation the right way. The resistance to proper consultation most often occurs when the project managers are surprised by a consultation requirement- especially when it affects timelines. In her position, she is working with tribes and WSDOT staff to identify consultation opportunities and protocols. When a project manager is properly trained and can work consultation requirements into their timelines, they are far less resistant.

11. TPEAC BUDGET

Carrie Berry reported that the projected budget reflects certain agreements that have been closed out, others that are still open. $28,000 remains uncommitted through the end of the biennium. NOAA is still trying to formulate a plan by which they can make use of some if not all of that money, but there are concerns as it would need approval at the federal level. A decision must be made sooner rather than later.

The Regional Fisheries group requested a $7,000 appropriation for the Walla Walla, which would merge the RFEG data with Jackie's work. Senator Swecker didn't want to make a unilateral decision on it, so he entertained a motion for approval of the appropriation. Peter Birch moved, Jackie White seconded the motion, and it was so passed.

12. LEGISLATIVE UPDATE

According to Senator Swecker, there are currently no Legislative items that directly impact TPEAC. The Legislature is trying to get a transportation package together before the end the session, and it amounts to almost double the existing nickel package. There are many more projects on the ground, many more to permit. It's speculative: there's impetus on both sides, and some governance nuances that have to be included.

Of note is the restructuring of license tab fees on all vehicles up to 10,000 pounds. It will function on a sliding scale, starting at $35 per vehicle. It will also allow individuals to license vehicles- large RV's, for instance- for one month out of the year.

13. PUBLIC COMMENT

None.

14. REVIEW OF ACTION ITEMS AND DELIVERABLES

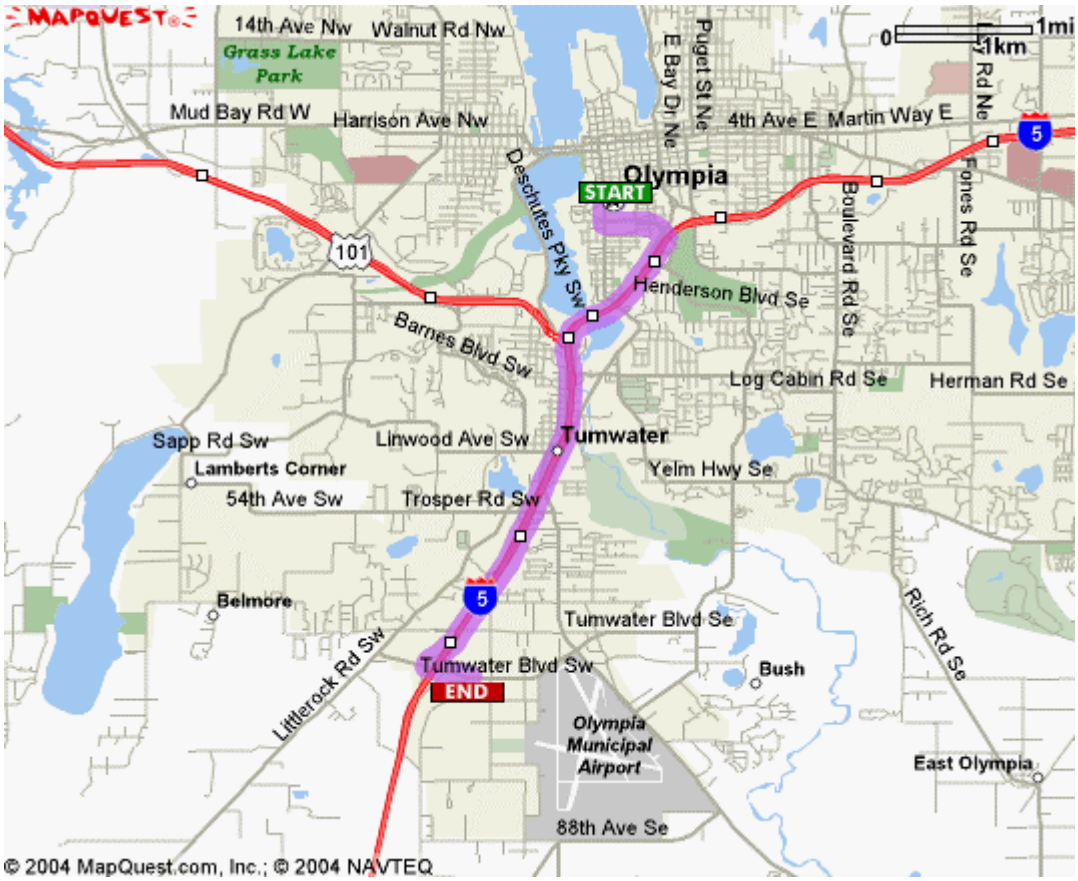
There were no action items, other than to mention that the next meeting is intended to be a "field trip" to Whatcom County.

15. CLOSING AND ADJOURNMENT

The meeting was adjourned at 3:36 p.m.

For more information on many of the presentations at today's meeting, please visit TPEAC online at:
http://www.wsdot.wa.gov/environment/streamlineact/TPEAC_schedule.htm#Highlights

Directions to Comfort Inn
1620, 74th Avenue SW
Tumwater, WA



START
Depart onto I-5 (South)
At exit 101, turn RIGHT onto Ramp (Tumwater Blvd / Olympia Airport)
Turn LEFT (East) onto Tumwater Blvd SW
Turn RIGHT (South) onto Harper Street SW, then immediately turn RIGHT (West) onto 74th Avenue SW
END

TPEAC Outreach and Visions for the Future

At the December 8, 2004 TPEAC meeting a committee was formed to look at how to communicate TPEAC success and identify a vision for continuing regulatory improvement work after TPEAC's sunset in March of 2006.

The committee met on January 31, 2005 to brainstorm ideas on both topics. On the communication piece, the objective is to define an approach that would be cost effective and could be accomplished within the next year.

The accountability theme should be evident in both of these efforts referencing back to the Blue Ribbon Commission, the Competitiveness Council, mandates from TPEAC legislation and JLARC reviews.

Draft Approach for Communicating TPEAC Success

TPEAC Web page

- The web page needs to respond to its intended audience.
- The web page needs to communicate in a simplistic way in lay terms.
- The format should be interesting and exciting to get peoples attention.
- It should be located where people can easily find it; maybe make it accessible from a Google search.
- The web page should include links to other sites that are related to TPEAC and permitting agencies.

Tasks:

- *Define our audience and develop a plan to get people to the website.*
- *Determine appropriate location for website (Office of Regulatory Assistance, WSDOT or other)*
- *Research the Municipal Research Service Center website (msrc.org) as a model.*
- *List out TPEAC Success (MAP team, Programmatic Permits, Tribal Consultation Work, Watershed Characterization, On-line JARPA, Pilot Projects, Bringing People Together, etc.).*
- *Identify links to other websites.*
- *Hire an intern and/or consultant to design the web page.*

Use Workshops, Conferences and Publications as Forums to Tell the Story

- International Conference on Ecology and Transportation (ICOET), American Association of State Highway Transportation Officials (AASHTO), Transportation Research Board (TRB), etc.
- FHWA Environmental Streamlining Newsletter.

Tasks:

Participants will submit abstracts and give presentations at upcoming workshops and conferences.

Identify a set of conferences and publications that we want to use to highlight TPEAC's work.

Make assignments.

Build an educational program for local governments

- Audience would be both staff and elected officials.
- Purpose would be to increase awareness of TPEAC streamlining tools, local government permitting processes, and WSDOT project delivery.

Tasks:

Jackie White is coordinating with cities and the Washington State Association of Counties.

Q&A Documents and Folios

Tasks:

WSDOT to prepare Q&A document and develop a folio that can be handed out at conferences, workshops and meetings on related topics.

TPEAC – Draft Vision for the Future after TPEAC Sunset

Needs:

TPEAC has provided a valuable forum to bring together representatives of all entities involved in transportation permitting. Participants recognize the relationship between their individual roles and the importance of working together to bring about a more streamlined and integrated permitting process in order to more efficiently use public resources and achieve better environmental results. Many of the tools developed by TPEAC have become institutionalized while others are still being developed. The development and use of multi-agency programmatic permits, web-based permit applications, watershed-based mitigation, and local permitting improvements are some of the TPEAC accomplishments.

There is a continuing need for state and federal resource agencies, Tribes, local governments, and the Department of Transportation to have an ongoing relationship and to continue to implement and expand on the work of TPEAC. There is a concern about how to maintain momentum on regulatory improvements after TPEAC sunset in March 2006.

Proposals:

Office of Regulatory Assistance could lead an effort consisting of state resource agencies and WSDOT developing a regulatory improvement work plan, updated on a yearly or biennial basis, that is carried out by the participants. Participants would need to be able to make decisions and commit their agencies. This could be broadened to include Tribal, federal, and local governments. Annual or biennial reporting to appropriate legislative committees could be built into this requirement.

In addition WSDOT will continue to carry out a number of regulatory improvement activities including leading several forums to increase communication between regulatory agencies and WSDOT; improving completeness of WSDOT's permit applications; building on-line application capability; changing NEPA documentation to increase readability of documents; leading the Signatory Agency Committee; carrying out an extensive training series; updating and expanding coverage of programmatic permits; improving mitigation within watersheds; etc.

Funding for local and Tribal participation in regulatory improvement activities will be an issue. We could pursue funding for this participation in a Supplemental Budget request in the 2006 Legislative session.

TPEAC/WSDOT Pilot Study: Phase 1 Report

Regional Fisheries Enhancement Group (RFEG) Coalition
March 2005

Phase 1 of the Regional Fisheries Enhancement Group (RFEG) Pilot Study involved gathering relevant information with respect to salmon and watershed planning in all 14 RFEG regions throughout Washington State. RFEGs, in coordination with WSDOT, conducted and attended meetings with Lead Entities, Conservation Districts, and other various local and regional salmon recovery and watershed planning entities. The information collected focused on priority salmon recovery issues in each region and project prioritization criteria used by agencies to rank projects. Additional information was gained from review of available conservation plans, lead entity planning documents, and other technical information. Criteria was collected (statewide), collated, and edited into a coherent list for use in the proposed model.

A primary goal of Phase I was to engage RFEGs and utilize available planning information for development of a flexible, statewide prioritization methodology for WSDOT and/or other agencies' mitigation project list development. This would promote a more efficient and community-based approach to salmon recovery, and links WSDOT more closely to the Salmon Recovery Plans currently in development (by Lead Entities) or being implemented (by RFEGs and others) throughout WA State.

Based on an internal RFP issued in December 2004, five (5) RFEGs were selected to participate during Phase II of this Study, during which each organization will work with their local WSDOT Office and/or various Lead Entities to develop ranked (salmon-centric) project lists for a single WRIA. Each list will utilize the proposed prioritization methodology as well as other available watershed information and local/regional processes, to assist in WSDOT mitigation project development.

At the March 23 TPEAC Meeting, RFEGs will debrief the Executive Committee on our findings to-date, present the (proposed) Prioritization Methodology, and encourage legislative or agency feedback as Phase II begins and project lists are developed.

An additional discussion point for the March meeting will be the possibility for outstanding TPEAC funds (if any) to be applied towards engaging additional RFEGs and/or WRIAs in the development of these project lists, including (but not limited to) the Walla Walla RFEG (to apply to Rick Anderson's ongoing work on US 12) and 1 or more of the Olympic Region RFEGs.

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P.O. Box 976 ▪ Olympia, WA 98507
tel 360.352.5090 ▪ fax 360.357.6573

Memo

To: TPEAC Members

From: Rick Anderson

Date: March 11, 2005

Subject: Land Use and Watershed Plan Integration
HDR/EES 22591

Introduction

The Washington State Association of Counties, in cooperation with the Association of Washington Cities, has contracted with Whatcom County, Walla County, and HDR/EES to demonstrate how integration of watershed plans with land use plans can improve local government planning processes and meet TPEAC objectives.

Background

Over the past 15 years, the Legislature has given substantial new authority to local governments to manage land use and natural resources, including comprehensive responsibilities for managing water. As part of this new management authority, local governments also have significant new planning responsibilities. State and federal agencies continue to retain secondary, and in some cases, primary management authority over many aspects of land use and natural resource management. One result of the complex sharing of management authority is multiple planning processes.

Walla Walla County is currently engaged in the following watershed planning processes:

- A "2514" watershed plan
- A Walla Walla Subbasin plan (Northwest Power Planning Council);
- Several TMDL water quality plans;
- A Snake River Salmon Recovery Plan (ESA);
- A Comprehensive Irrigation District Management plan
- A bi-state Habitat Conservation plan (ESA).

In addition, Walla Walla County is scheduled to update its critical area ordinances by 2007 and its shoreline master plan by 2014.

Whatcom County is engaged in all of the above watershed plans, with the exception of the Subbasin plan but is currently in the process of updating its critical area ordinances and is required to update its shoreline master plan by 2005.

New shoreline management guidelines recently adopted by the Department of Ecology require local governments to protect and restore ecological functions of shoreline areas. Legislation enacted in 2003 (HB 1933) partially integrated the Growth Management Act (through critical area ordinances) with the Shoreline Management Act. This integration combined with an increased emphasis on ecological protection provide an opportunity to link watershed and land use plans so as to facilitate and improve planning decisions.

Walla Walla and Whatcom Case Studies

The case study will identify how the two counties have taken different pathways but have reached similar results in integrating their respective watershed plans. The case study will evaluate similarities, differences, and identify "next steps" needed for each county to make a successful transition from planning to implementation.

The case study will also describe land use planning efforts being taken by each county and will provide examples of how an integration of land use plans with watershed plans can improve planning decisions and permitting decisions.

RBA:ajr:waassoccounties

Local Component to Transportation Permit Efficiency and Accountability Committee (TPEAC)

The Association of Washington Cities and Washington State Association of Counties are working with Whatcom and Walla Walla counties to develop a variety of tools to demonstrate how to integrate watershed-planning efforts with other land use planning processes. These efforts can benefit both state and local transportation projects as well as improving the integration of local and state level land use and natural resource planning. This integration can help avoid costly project plan changes and delays.

Why Are Local Permitting Decisions Made on State Projects? Washington adopted a "bottoms up" approach to land use in 1990. It limits the state's role in setting general policy. Cities and counties are required to write specific plans complying with state policies. This allows communities to tailor plans and regulations to meet local needs.

What Kinds of Plans and Regulations Does the State Require of Counties and Cities? Most counties and cites are required by the Growth Management Act to have ***Long Range Comprehensive Plans and County Wide Planning Policies***. The goal of these plans is to provide for orderly compact growth to avoid sprawl and reduce the cost of infrastructure. The act requires counties to adopt ***Critical Areas Ordinances*** to protect critical habitats and species, aquifer recharge areas, wetlands and flood plains. All counties are also required to have ***Shorelines Plans*** to protect the shorelines of salt and freshwater bodies and streams. The Legislature, dealt with growing threats to water supply and quality, by requiring locally developed ***Watershed Plans*** in all watersheds. In addition to the state laws, most jurisdictions also have responded to federal requirements for ***Recovery Plans for Salmon and Other Endangered Species***.

Are All These Plans Tools or Obstacles? Currently, right-of-way acquisition and design work are nearly complete before project managers address local land use and environmental permits. This approach often results in significant delays, higher costs to the projects and sometimes court challenges. In developing plans and regulations, local governments have collected a wealth of biological, geological, and hydrological data. They have also involved key stakeholders in the process. All of this work does not have to be recreated for individual project designs and permits. In many jurisdictions these plans and policies result in detailed maps showing land use and environmental constraints. This allows transportation planners to identify the lowest cost routes for a project at its very early stages.

How Do All of These Plans Come Together?: In the next two to three years, a decade and a half of work will culminate in complete, updated plans and regulations in many jurisdictions. This year's demonstration projects in Whatcom and Walla Walla counties do not try to reconcile conflicting federal and state statutes or policies. They take a practical approach, focusing on overlaying the key objectives of the various plans to ensure compatibility. GIS and other mapping tools will help integrate multiple objectives and identify potential conflicts. The proposal for next year will take two more projects,

using what is learned in Walla Walla and Whatcom this year. In addition to identifying conflicts the next step will identify tools and approaches to resolve those issues. These include restoration projects, non-regulatory and regulatory programs, and use of mitigation funding to implement watershed plans.

This All Sounds Pretty Complicated. Why Don't We Just Combine All These Laws and Plans? The financial and political investment in these plans is enormous. It has taken more than a decade to complete all this work. The Legislature has not substantially changed this approach to planning through changes in party control. Current policies are likely to survive in some form for the foreseeable future. Given that reality, the challenge is to develop the tools to combine existing plans into a coherent set of planning guidelines and constraints for transportation project design and permitting. The projects in Whatcom and Walla Walla will test some of these tools.

Save Time and Money While Improving Environmental Outcomes

What Kind of Savings Could Result? The Washington State Department of Transportation (WSDOT) estimates that environmental mitigation can cost between 4% and 40% of a project. Delay also has a cost. Money that could be spent more efficiently for both construction and mitigation is wasted.

Why Not Just Pre-empt Local Plans and Regulations? There are a number of reasons pre-emption is not a workable idea. First, many local planning efforts will help projects address federal constraints that cannot be pre-empted. Second, the Legislature and citizens have established these land use and environmental policies. They apply to both private citizens and businesses seeking permits. To exempt transportation projects would be viewed as hypocritical and would create a perception of a lack of accountability. Third, these local plans and policies have been adopted through arduous public processes at the local level, involving many stakeholder groups (including in many cases tribal nations). Pre-empting the results of these processes could have serious political consequences and likely result in extensive litigation and delay.

Why Do We Think This Will Work? Local government has worked constructively in the TPEAC process to provide practical solutions. For instance, they have worked to develop "programmatic permits" for some standard maintenance activities like bridge washing. With a programmatic permit, there is standard "best practice" which is permitted without going through the standard process. This is a win-win. It protects the environment with best practices, while saving time and money.

In another example, King County has worked with state and federal agencies to create a joint mapping and data system call JARPA (Joint Aquatic Resource Permit Application). This system allows all permitting entities to work off the same data and work together to speed the permitting process along.

Still another activity, the joint multi-agency permit teams bring all participating state, federal and local agencies to the table to work on permitting issues related to major transportation projects.

So, What is The Next Step for the Local Component of TPEAC? The current projects in Whatcom and Walla Walla Counties will demonstrate that significant progress can be made by combining land use and watershed plans. This integration will have direct benefit to TPEAC objectives. For example, mitigation projects that implement watershed plans and are protected by land use plans represent significantly less risk for a permit writer. Integration of land use and watershed plans will facilitate WSDOT's ability to avoid, minimize, and mitigate for project impacts.

Next steps for the local component of TPEAC should be to use key tools to accelerate land use-watershed plan integration and to involve other public and private entities that build infrastructure projects (e.g. City and County Public Works Department, PUD's, Ports, and the private sector). As other entities use the tools developed through TPEAC, they will become "institutionalized" within the culture of state, local, and federal agencies. Next biennium two projects and jurisdictions would be selected to apply the concepts developed in the two projects from this biennium. Our goal is to develop proven planning tools that will be ready for use when all these local plans and policies will be ready for use and in force in the most populated areas of the state.

Local Government Task Force
Recommendations For The Review of Roadside Maintenance Projects Under SMA

March 23, 2005

Background

The Local Government Task Force (task force) heard the following comments from local governments and WSDOT during the case study interviews conducted in 2004:

Shoreline Management Act – Interview Comments

- Shoreline Management Act exemptions are being applied inconsistently by local jurisdictions throughout the state. Streamlining an exemption process for routine roadside and ferry service maintenance activities would be beneficial.

- Notification of WSDOT activities that are occurring within the jurisdiction – even if it is an exempt activity within WSDOT right of way is desirable.

Local Government Task Force Recommendation

- Develop a streamlined process for how routine, normal roadside maintenance activities will be handled in the shoreline permitting process.

Maintenance activities that occur within shorelines may require review and approval through a permit process including a substantial development permit, a variance, or conditional use permit, all of which require public notice and a comment period. In some cases, maintenance work was considered to be an exempt activity and was required to proceed through the categorical exemption process resulting in issuance of a letter of exemption. In other cases, the same activity would be considered substantial development, a variance, or a conditional use. Exemption processes vary between local agencies in terms of submittal requirements, review, and cost. Ecology has historically encouraged local governments to issue letters of exemption for all categorically exempt activities after reviewing proposals in a completed application. With a completed application, regulators have a written graphical description of the proposal and can document the determination of what form the approval should take. Approval might include one or more of the four existing permit types – a categorical exemption, substantial development, variance, or a conditional use. Inconsistency in the shoreline permitting process leads to longer negotiation and review times, increased transaction costs, inconsistent permit conditions, and increased frustration for both the applicant and the permitting agency.

Proposed Solution

The task force completed the following assessment to develop an appropriate solution:

- January 2005 - An informal legal opinion regarding the interpretation of SEPA and SMA rules that may result in maintenance work becoming a nonpermitted activity was conducted. The Attorney General's Office rendered an informal opinion that routine maintenance activities should continue to be reviewed under SMA and that efforts should be focused on streamlining the SMA Exemption process to enable efficient, timely review of these projects.

The task force then considered the follow options to streamline the Exemption process:

(1) Developing statewide, regional, or local programmatic or general permits for maintenance, to replace the categorical exemptions in the SMA; or

(2) Clarifying that routine maintenance activities should be considered categorically exempt by amending WAC 173-27-040; or

(3) Working with local governments to develop a template for local agencies to use when updating their Shoreline Master Programs to utilize a common approach for transportation related maintenance activities; or

(4) Issuing guidance and providing training to local government shoreline administrators to help establish and clarify a uniform application standard for the SMA exemption provisions.

The task force recommends proceeding with Option 4. Ecology issued a similar guidance letter, dated October 1997, to address consideration of emergency maintenance activities as an Exemption under SMA. The task force recommends updating this letter to clarify the definitions of normal routine maintenance projects and establish guidance for the review of such projects as an SMA Exempted activity. The task force is now working with Department of Ecology staff to provide the edits to the 1997 guidance letter by April 15, 2005. The task force is also working with Association of Washington Cities and Washington State Association of Counties to establish training opportunities at existing local government forums once the guidance letter is issued. The task force recommends evaluating the effectiveness of the guidance letter one year after its distribution. Reconnecting with the original interview participants to obtain their feedback would complete this evaluation. If it is determined that the guidance letter has not been effective, then consideration will be given to re-evaluating Options 1 and 2, which would involve legislative changes.

EXECUTIVE SUMMARY

INTRODUCTION

This report summarizes the results of a study to determine the feasibility of the Washington Commerce Corridor (WCC), conceived as a North-South (N-S) alternative to Interstate-5 that facilitates the movement of freight, goods, people, and utilities. The Washington State Legislature directed the study, and required that the evaluation of the WCC's feasibility be based on the willingness and ability of the private sector to build and operate this proposed corridor. The study area begins in the vicinity of Lewis County, extends north to the Canadian border, and contains Interstate 5, the mainline railroads, and major intercity pipeline facilities, which each operate on separate rights-of-way but roughly in the vicinity of Interstate 5 (I-5).

In order to determine feasibility, the WCC Study answered two fundamental questions:

- Is there sufficient demand for the corridor? And;
- Can it be built?

IS THERE SUFFICIENT DEMAND?

The question of demand in the context of this study cuts two ways. The first is the level of interest shown by owners and operators within the transportation and energy sectors. The second is the level of user demand that could generate sufficient revenues to attract a third party developer. The former are most applicable to the modes that have traditionally been within the private realm (utilities, freight rail, etc). The latter is applicable to modes that have traditionally been in the public realm (highways, passenger rail, etc).

Will the Energy Industry Participate in the Development of the Corridor?

The approach used in answering this question was wholly based on interviewing and surveying the major players in this industry. Despite projected growth in energy demand and a declining capacity to accommodate that growth, we found little evidence to support involvement of the energy sector in the development of the WCC, at this time. This conclusion is based upon four fundamental factors:

1. **Distribution Patterns** – Uncertainty in the long-term direction and pattern of distribution and transportation of energy in the region and the nation;
2. **Differing Planning Horizons** - The long term planning horizon for the energy industry is around five years (up to 10 years at most), which is not consistent with the long term outlook for this WCC project;
3. **Location of the Corridor** - The location of this corridor is not consistent with the location of future major corridors that the industry anticipates will occur. The consensus is that future N-S energy distribution, particularly of an interstate and international nature, will likely occur to the east of the current WCC alignment, if at all in Washington State;

4. **Risk for the Public Sector** - 60-80 percent of the costs associated with the development of the energy component consist of right-of-way acquisition. Assembling the right-of-way could be a legitimate role for government if the corridor were to be developed. However, the risk associated with government paying such a large share of the total cost is great, and there is a low probability of the public ever being fully reimbursed for the ROW.

Finding - Despite continued growth in energy demand and a declining capacity to accommodate the growth, there is no significant desire on the part of the energy sector to get involved in the development of the WCC. However, the Foothills Energy Corridor Study[1] makes several policy level recommendations for planning the development of future energy corridors in the State of Washington that should be taken into consideration by policy makers. The most important recommendation is to create a single entity responsible for both the development of a statewide energy infrastructure strategy and its implementation.

Will the Private Sector Participate in the Development of the Transportation Components of the Corridor?

The study evaluated whether evidence exists that users of the transportation corridor would generate sufficient revenue to fund construction of the WCC.

Passenger Rail Service - The development of passenger rail service is a priority in Washington State and the Puget Sound Region. The greatest demand for passenger rail service is N-S, as is the WCC. However, passenger rail service does not contribute to the financial feasibility of the WCC. This is primarily based on the fact that passenger rail service relies heavily on public subsidy. Average fare box recovery for passenger rail service in the U.S. ranges between 30 and 60 percent of operational costs; the rest is subsidized. As a result, the private sector does not typically contribute significant financial resources towards the development of passenger rail service, nor does the private sector typically receive user fees or toll revenue from passenger rail service. The exception is where the private sector makes ROW contributions, provides in-kind services, or receives revenues for trackage rights. And while there are private sector entities that operate rail services on behalf of public agencies, or control the routing of trains according to schedules, private sector involvement is not as the leading investor and financial sponsor. This is almost exclusively a government role. Therefore, despite evidence that N-S passenger rail service will be developed in the region, passenger rail would not contribute to the financial feasibility of the WCC.

Freight Rail Service - Freight rail service is almost exclusively a private sector business in the United States. Significant portions of the WCC study area follow existing freight rail infrastructure, so we evaluated the feasibility of the private sector playing a role in developing the freight rail component of the WCC. The investment plans of the two major railroads (BNSF and UP) are focused on East-West mainlines that serve their largest business lines and customer base. Barring any major change, these customers will continue to be the priority for the freight lines. Improvement in North-South capacity is a low priority for the railroads, with the exception of the segments through the congested urban centers between Tacoma and Everett. Mainline capacity issues in these urban segments are mostly related to balancing freight capacity with intercity

[1]Van Ness Feldman, August 2004

passenger services, the latter being largely a public priority. Given these facts, it is clear that private railroad investment is not a feasible option to drive the development of the WCC.

Car Tolls - Tolls have been used to fund major road construction projects from the onset of the growth in popularity of the automobile, and have been used when public agencies do not have the resources to finance the facilities. Toll roads are typically developed as public-private ventures where the private sector is asked to play a variety of roles.

Three major factors present obstacles to car tolls financing the development of the WCC. First, the densest traffic levels along the entire I-5 corridor are between Tacoma and Seattle, as well as south toward Olympia and north toward Everett. However, the trips along these congested segments are short and are not consistent with the long haul nature of the WCC. Second, the WCC bypasses the major urban and suburban centers with the densest traffic patterns (that would be the primary target for diversion to the WCC), minimizing the amount of potential traffic that can be diverted. Third, jurisdictions along the I-5 corridor all have published plans to improve transportation service along the I-5 corridor. The prospect of improved transportation service on I-5, particularly in the urban core where the bulk of the auto traffic exists, may have a negative impact on the financial feasibility of car tolls along the WCC.

Truck Tolls - Our analysis indicates that the trucking component of the WCC has a basis for further exploration. A preliminary evaluation of truck trips on I-5 corridor indicates sufficient volume in some sections to fit the characteristics of the WCC. The trip characteristics are long haul in nature. In comparison to auto trips that cluster around urban centers, a larger share of truck trips are long haul through the Puget Sound region and would benefit from a by-pass around the region. The trucking sector, as a whole, would support improvements in N-S mainline capacity. As compared to the energy sector, the trucking industry supports immediate and significant N-S improvements in capacity, but only for efforts that lower their transport costs along the I-5 corridor, increase productivity (the number of deliveries per day) and improve service to their customers.

Although preliminary revenue estimates produced by this study indicate that truck tolls alone could not fully fund the WCC, a sizeable share of the cost of the southern segments of the corridor may be supported by tolls in combination with a public subsidy. The truck segment of the WCC with the greatest potential for feasibility is the segment between Chehalis and I-90. Financial feasibility is highly dependent on limiting costs by constructing a two-lane alternative (with a third passing lane) as opposed to a traditional four-lane alternative. It would require a diversion rate of greater than 50 percent of all through truck trips, and a high-end toll rate under current market conditions. A parallel route for trucks could have the added benefit of reducing traffic and congestion on I-5.

Finding – The passenger rail component is largely a public role and does not fit the private funding feasibility hurdle for the WCC. Traffic patterns associated with both the auto and freight rail components do not fit the long haul, N-S orientation of the WCC and do not present a feasible option for the WCC. Truck tolls may present sufficient revenue generation opportunities that in combination with public subsidies would support the feasibility of a public-private funded truck corridor between I-90 and Chehalis.

CAN THE CORRIDOR BE BUILT?

In determining whether the corridor can be built, three aspects were evaluated. First, an evaluation of the environmental and community impacts of the corridor was conducted. Second, an estimate of the cost to engineer, design and construct the corridor was developed. Third, legal, financial and legislative issues surrounding the use of private sector resources were evaluated.

What are the Environmental and Community Impacts?

The potential corridor area identified for testing the project's feasibility for the study is five miles wide; this represents a footprint over 35 times the width of the actual maximum alignment width of 710 feet. The larger study area allowed the consultant team to identify most resources and communities that could be affected, and to provide options and flexibility in locating an alignment within the corridor that would decrease the impact to a given resource or area. Beneath this corridor footprint lie abundant natural resources that will influence the overall feasibility of the corridor.

Natural Constraints – To determine the influence of natural resources on the overall feasibility of the WCC, specific natural constraints were evaluated: streams, wetlands, priority habitat, landslide hazards, seismic hazards, and wildlife refuges. If the WCC was constructed, the magnitude of natural constraints in and around the corridor could be significant, depending on the type of resource. Environmental impacts on species habitat and migration corridors could be substantial, and for some resources could significantly degrade or threaten the resource. Direct impacts to environmental resources would likely exist in the short-term, but some resources could be affected following post-construction, over the long term, and some could be considered permanent. It is likely that some segments of the WCC alignment, as currently defined, would require major environmental mitigation efforts, and some segments may even be considered as infeasible following more detailed analysis.

Fatal Flaw - The alignment option through the Cedar River Watershed, which supplies the drinking water to approximately 1.3 million people in the Seattle area, is not feasible. Any mitigation efforts and costs would outweigh any potential benefits the WCC may offer. The selection of an alternate route, such as the one located to the west of the watershed, would be necessary.

Potential Community Issues - The WCC would have both positive and negative impacts on the socioeconomic fabric of nearby communities in western Washington. Potential community issues that the project may encounter include: loss of a sense of place, loss of community fabric, dislocation and other quality of life concerns. The WCC could create opportunities for economic development. Industry will be attracted to the project study area over other locations elsewhere in Washington and the Pacific Northwest. The study-area could gain a greater share of national industry with development of the commerce corridor, creating a significant level of new jobs and new businesses.

Regulatory and Land Use Issues – While much of the study area is classified as land where significant growth could occur, there would need to be extensive changes to the current zoning

regulations in these areas. Additionally, significant modifications to current county and local comprehensive plans and specific land use patterns would need to occur at multiple locations throughout the corridor, resulting in long-term and likely permanent impacts on zoning classifications and land uses. With respect to the 13 planning goals under the Growth Management Act (GMA), the impact of the WCC is mixed. The WCC will not meet those GMA planning goals that address the need to locate urban growth in areas served by existing facilities without significant changes to regional and local comprehensive plans. On the other hand, the WCC would certainly be consistent with the GMA goal to develop multi-modal transportations systems for the state of Washington.

Environmental Review and Permitting - The current environmental review framework in Washington is based on the State Environmental Policy Act (SEPA) and the National Environmental Policy Act (NEPA) for projects that receive federal funds, and many projects require approval from both state and federal agencies. There are numerous agencies responsible for environmental permitting in Washington, and the permit process is unique to each agency and permit. At a minimum, permitting the entire WCC under the existing framework would include over 30 types of state and federal permits normally required for a transportation project, highlighting the complex nature of permitting major projects. As a result of the WCC's multiple components such as rail, highway, pipeline, transmission lines, current review methods would create a fragmented approach, increasing project delays and costs for those involved.

Finding – The current alignment of the WCC has significant natural constraints, will impact several small rural and agriculture based communities, and has potential fatal flaws, specifically for segments of the corridor that impact small and rural agricultural communities, and those segments that have long term impacts on species habitats and watershed areas. Regulatory and land use issues also present a key obstacle in that communities may need to modify their comprehensive plans. Moreover, existing environmental review processes in Washington, although functional, are currently not equipped to handle a project of this scope, and pose significant pre-construction risk for the private sector. These factors combine to significantly undermine the feasibility of the WCC at this time.

What Will The Corridor Cost?

Based on our evaluation of probable project costs, the Washington Commerce Corridor could be implemented for between $42 billion and $50 billion. The most cost effective approach is to use as much of the existing rail infrastructure as is available, saving approximately $1 billion over the baseline option of $42.8 billion. The most expensive option is to by-pass part of the Mt. Baker Snoqualmie National Forest, requiring approximately 16 miles of tunneling and causing the cost to jump by $6.7 billion. The ROW costs represent approximately 40 percent of total costs, with a higher disproportionate share required for utilities.

The roadway components contribute 70 percent of the total costs of the corridor (35 percent each for the truck and general purpose components). Rail contributes between 11 and 17 percent of the total cost, depending on the alternative. The alternative using existing rail infrastructure is the most favorable, while the alternative requiring considerable tunneling is the least favorable. The energy (power and pipeline) component contributes between 10 and 14 percent. Trails contribute the lowest share of the total cost, approximately three percent.

When comparing the various modal contributions toward ROW and construction costs, there are some important differences.

- While the roadway components contribute a 35 percent share each (truck and general purpose) towards overall costs, their relative contribution toward construction costs are greater (40 percent) than towards ROW (30 percent).
- The same effect exists for rail – a 12-20 percent relative share toward construction and 8-10 percent relative share toward ROW.
- The energy components have an opposite effect – while they only contribute 2-4 percent toward construction costs, they contribute 25 percent toward ROW costs.
- The trail component contributes less than 1 percent towards construction costs but 7 percent towards ROW costs.

These distinctions have an impact on the various roles of the private sector versus the public sector. For example, if government assumed the cost of the right of way and recouped the facilities costs through a user fee, the transportation components would present the greatest share return due to their relatively higher contribution toward construction costs. On the other hand, the energy components present the least opportunity of recouping the public's costs.

Finding – The costs associated with developing the WCC are significant and undermine the feasibility of a wholly private sector approach to the WCC. Moreover, the sheer cost of the corridor greatly undermines the feasibility of a private sector entity "bundling" all of the modes into a single corridor, even if the funding is to be generated from a limited share of the users of the corridor. The best way to improve feasibility, from a cost standpoint, is to reduce the scale and size of the corridor and target only the components most likely to generate revenues.

What are the Legal and Institutional Issues?

The use of public-private partnerships is recommended for, if not essential to the success of, the WCC. Public-private partnerships are innovative collaborations between the public and private sectors that expand on traditional private sector participation in project design, financing, operation, and maintenance. Precedent for developing the WCC under a public-private scenario does exist; in the State of Washington, the Secretary of Transportation has general public-private partnership authorization under the provisions of current legislation. However, recent adverse experiences with Washington's six demonstration projects in the 1990's have dampened the appetite of the private sector for risk-taking during the early development stages, under the current legal environment. The risks caused by legislative changes, an advisory vote and adverse court decisions were sobering to developers and the private sector transportation industry in general.

The institutional framework is key to the success of a public-private initiative of this scale. A project of this scope requires a team that is exclusively devoted to achieving its goals. A single purpose government entity would have the opportunity to create a structure and assemble a team that would be tailored to meeting the goal of creating an environmentally sensitive, efficient, safe and secure system that encompasses utilities and different modes of transportation. A single

purpose entity also has greater potential to foster an entrepreneurial culture with an emphasis on quality and accountability.

One of the threshold issues facing any public-private partnership is the role the private partner may play in environmental review and assessment of the project under NEPA and SEPA. Even though a private entity may have a great deal of useful information that can contribute to the review and permitting process, a private sector partner cannot complete the NEPA document on its own. Actions that accelerate the review and permitting process can significantly increase private sector interest in financially viable projects.

Another legal issue relates to co-locating utilities and transportation infrastructure. FHWA and WSDOT utility accommodation policies restrict the type of proposed longitudinal installation in which utilities run directly underneath highway right of way. Longitudinal installations raise issues of access for maintenance of oil and gas pipelines, concerns over traffic disruption, and safety.

Finding – There are several legal and institutional issues that stand in the way of the feasibility of actually developing and operating the WCC. These include the need for more robust state legislation allowing public-private initiatives, and the need for a single purpose entity vested with the powers and authority necessary to oversee project planning, development, and administration while responding to environmental and social concerns. Other factors include limitations on the degree of involvement the private entity can have in the environmental process, and current restrictions on co-locating utilities and transportation infrastructure in the same corridor.

RECOMMENDATIONS

The entire WCC as envisioned and defined under current legislation is not feasible at this time. However, two sets of recommendations grew out of the study. The first set are actionable next steps directly related to the more feasible elements of the WCC:

Recommendation #1 — Reduce the Complexity, Scale and Length of the Corridor Strategy

The corridor as it is defined currently is too long, has too many components and is too complex. It is recommended that the length be reduced to the sections from I-90 south to the Chehalis area. The focus of the corridor should be on freight alone and should not include utilities, other than those associated with a conventional highway project.

Recommendation #2 — Pursue a Multimodal Freight Based Corridor Strategy

A comprehensive freight corridor strategy should be developed for Western Washington, and should be tied into the overall statewide freight strategy, as well as coordinated with the N-S freight strategies for Western Oregon, California and British Columbia.

Recommendation #3 — Conduct a Detailed Feasibility Analysis of a Public/Private Truck Freight Corridor

Conduct a detailed study focused on the feasibility of a public/private truck freight corridor between Seattle and Chehalis and possibly to Oregon. The study should be limited to a N-S corridor west of the Cascades where sufficient demand exists. *The Wilbur Smith Associates*
The other set of recommendations are broader and relate to the overall context of the WCC.

Recommendation #4 — Create More Robust Public-Private Legislation in Washington

Washington has a limited public-private authorization statute. The legislature should consider legislation that cures the shortcomings of the existing statute.

Recommendation #5 — Create a Single Entity to Coordinate Creation of State Significant Energy Corridors

While the concept of an energy corridor under the current WCC concept is not feasible, there is a need for a single entity responsible for both the development of a statewide energy infrastructure strategy and its implementation.

Recommendation #6 — Develop a Streamlined Environmental Review and Permitting Process

Create a new streamlined process that would serve to both expedite the review process, and to protect and enhance Washington State's natural environment. The improved review process should create an efficient and responsible review framework, offer practical solutions for facilitating project review, and incorporate existing streamlining processes that are under demonstration at the state level, in Washington and elsewhere, and at the federal level.

TPEAC Budget Expected Expenditures
2003-2005 Biennium
March 2005
Prepared by Carrie Berry – WSDOT

WDFW	$ 507,000
Ecology	710,610
DNR	13,810
CTED	22,500
CRITFIC	60,000
UCUT	112,510
NWIFC	125,090
Washington State Association of Counties	312,000
Association of Washington Cities	255,000
NOAA	75,000
EES (Watershed Policy)	70,000
WSDOT – Staff & Administration	600,000
WSDOT Contracts with interns & consultants	228,060
RFEGs	50,000
Tulalips - NEPA	50,000
JARPA	180,000
Total Expenditures to 6/30/05	**$3,371,580**
Total Available	**$3,400,000**
Amount Unused	**$28.420**

Washington Commerce Corridor Feasibility Study
Findings

Transportation Permit Efficiency and Accountability (TPEAC) Meeting

March 23, 2005

Arno Hart
Wilbur Smith Associates

Washington State Department of Transportation

Presentation Overview

- Origins of the Commerce Corridor Study
- Study Process
- Study Findings
- Next Steps

Origins of the Commerce Corridor Study

In the State's 2003-2005 Transportation Budget, the Washington State Legislature appropriated $500,000 for a feasibility study of a 'Washington State Commerce Corridor'

Key Issues Leading To This Study

Transportation

- Congestion along the I-5 Corridor
- Growing truck traffic
- Freight rail capacity needs
- Intercity passenger rail
- Port trade growth
- Insufficient transportation funding to expand the system

Energy

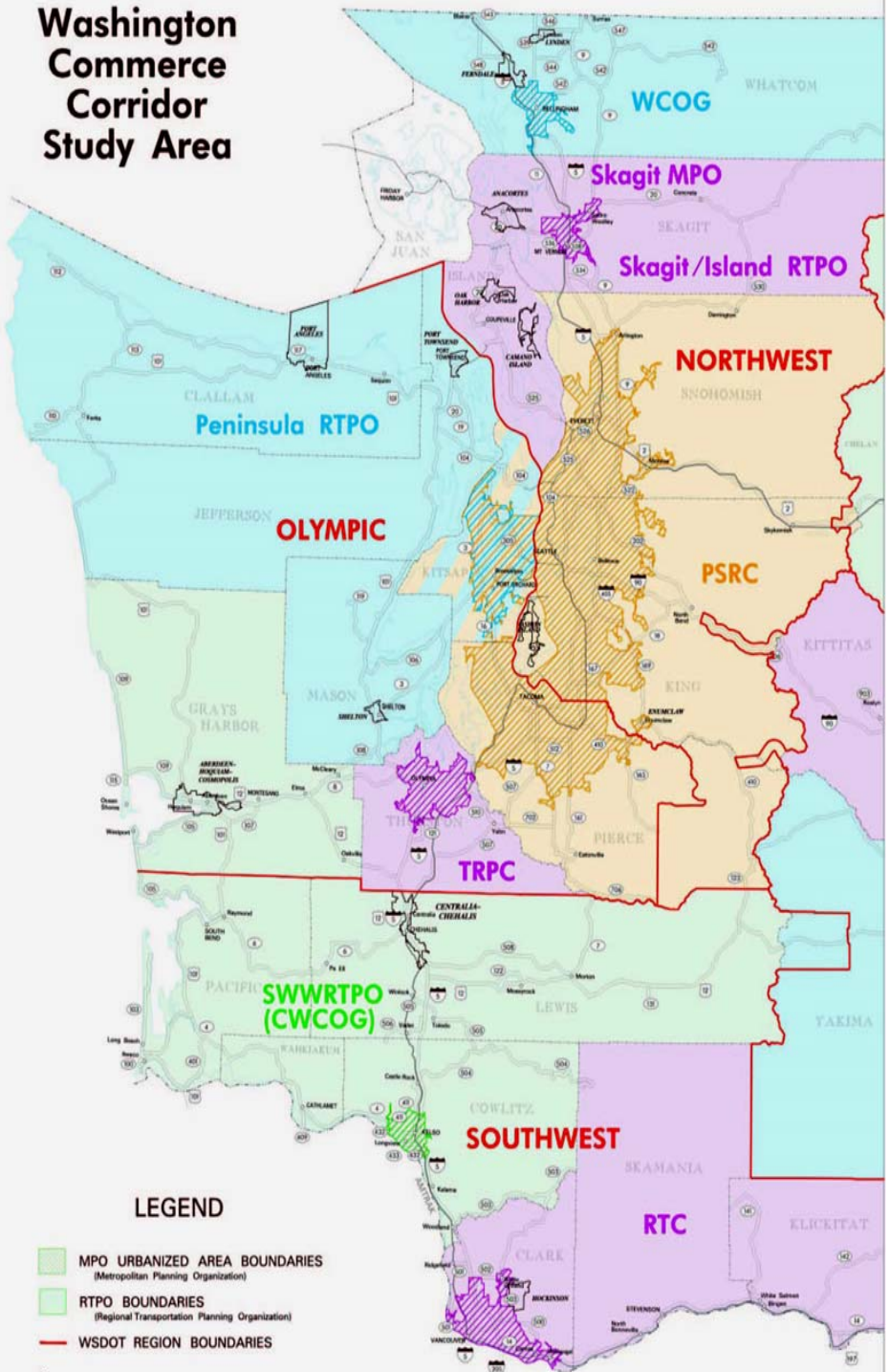
- Olympic (& other) pipelines near 100% capacity
- Alaskan/Canadian oil and natural gas production trends
- Access to markets in California & Arizona
- Electrical power production

Commerce Corridor Concept

Geographic scope: From Lewis County to the Canadian border, east of I-5 and west of the Cascade Mountains; containing the mainline railroads and major intercity pipeline facilities.

The legislature posed several questions in the study:

1. **Is it possible to build an alternative passenger and truck transportation route to I-5, in a corridor that includes rail and utility transport?**
2. **What are the legal, environmental, community and financial issues involved in such a complex project?**
3. **Is the private sector willing to finance the facility?**



Study Area

- From Lewis County, north to the Canadian border
- East of I-5, west of the Cascade Mountains
- Mainline railroads in the north-south corridor
- Major energy facilities: pipelines and transmission lines

Washington Commerce Corridor Study

Process

Steering Committee

Chair: Washington Transportation Commissioner Dan O'Neal

Legislators:
Senator Tim Sheldon
Senator Dan Swecker
Representative Doug Ericksen
Representative Geoff Simpson

Public Agencies:
Scott Merriman, Washington Association of Counties
Jackie White, Association of Washington Cities
Charlie Howard, WSDOT
Barbara Ivanov, WSDOT

Project Tasks

Task 1. Develop Evaluation Approach & Definition of Feasibility

Task 2. Develop A Definition of Project Features

Task 3. Develop Preliminary Financial Information

Task 4. Examine The Legal and Statutory Provisions

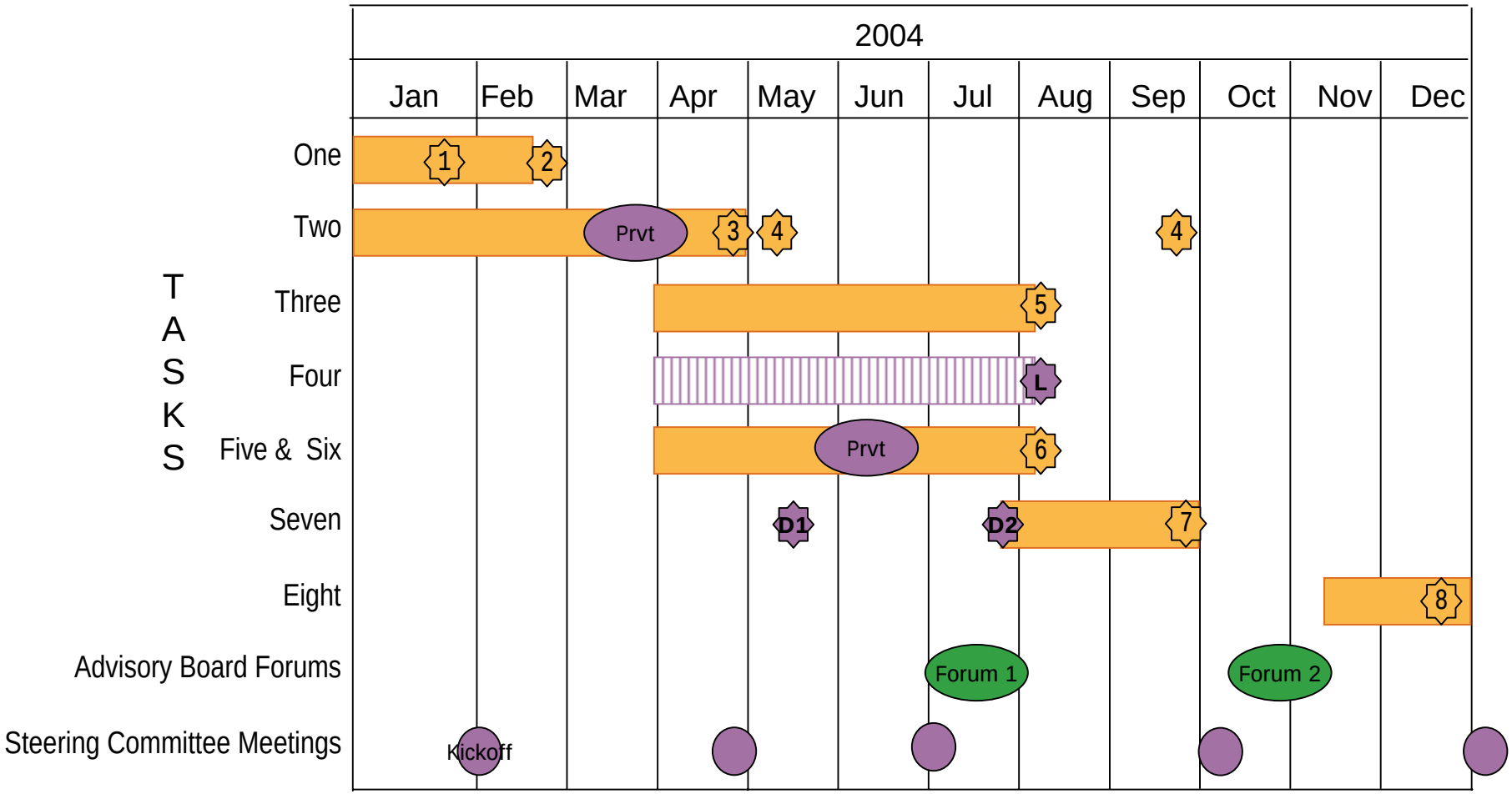
Task 5. Identify Potential Environmental Issues

Task 6. Identification of Community Issues & Strategies to Addressing Concerns

Task 7. Develop Draft Report

Task 8. Develop Final Report

Project Schedule



Washington Commerce Corridor Study

Findings

The Full Commerce Corridor Concept Is Not Feasible

Research found a north-south, limited-access corridor involving truck and passenger traffic as well as accommodating rail and utilities spanning from Lewis County to the Canadian border, developed, financed, designed, constructed and operated by private sector consortiums is not feasible.

Is there sufficient demand for a corridor?

No Energy Sector Interest in Commerce Corridor

- Based on key informant interviews, the energy sector is not interested in developing a new north-south corridor

- Proposed corridor location doesn't match market forecasts for energy distribution; long-run distribution patterns are uncertain

- Study's planning horizon is too long to engage the private sector

- Assembling right-of-way would represent a significant public risk, as it amounts to 60 – 80% of the energy corridor cost

No Rail Interest in Commerce Corridor

- There may be demand for additional north-south passenger rail, but passenger rail doesn't break even financially
- Ninety-five percent of BNSF's freight traffic through Washington State moves east-west, not north-south
- Rail companies are not interested in relocating north-south lines away from their freight customers
- North-south rail capacity in the existing corridor depends on balancing freight service with passenger service through urban areas

Passenger and Truck Tolls

- Passenger-vehicle toll highway isn't feasible as:
  - Most current trips are short-haul, not long-haul
  - Corridor bypasses densest passenger traffic flow areas (urban areas)
  - Current plans in place to address urban congestion

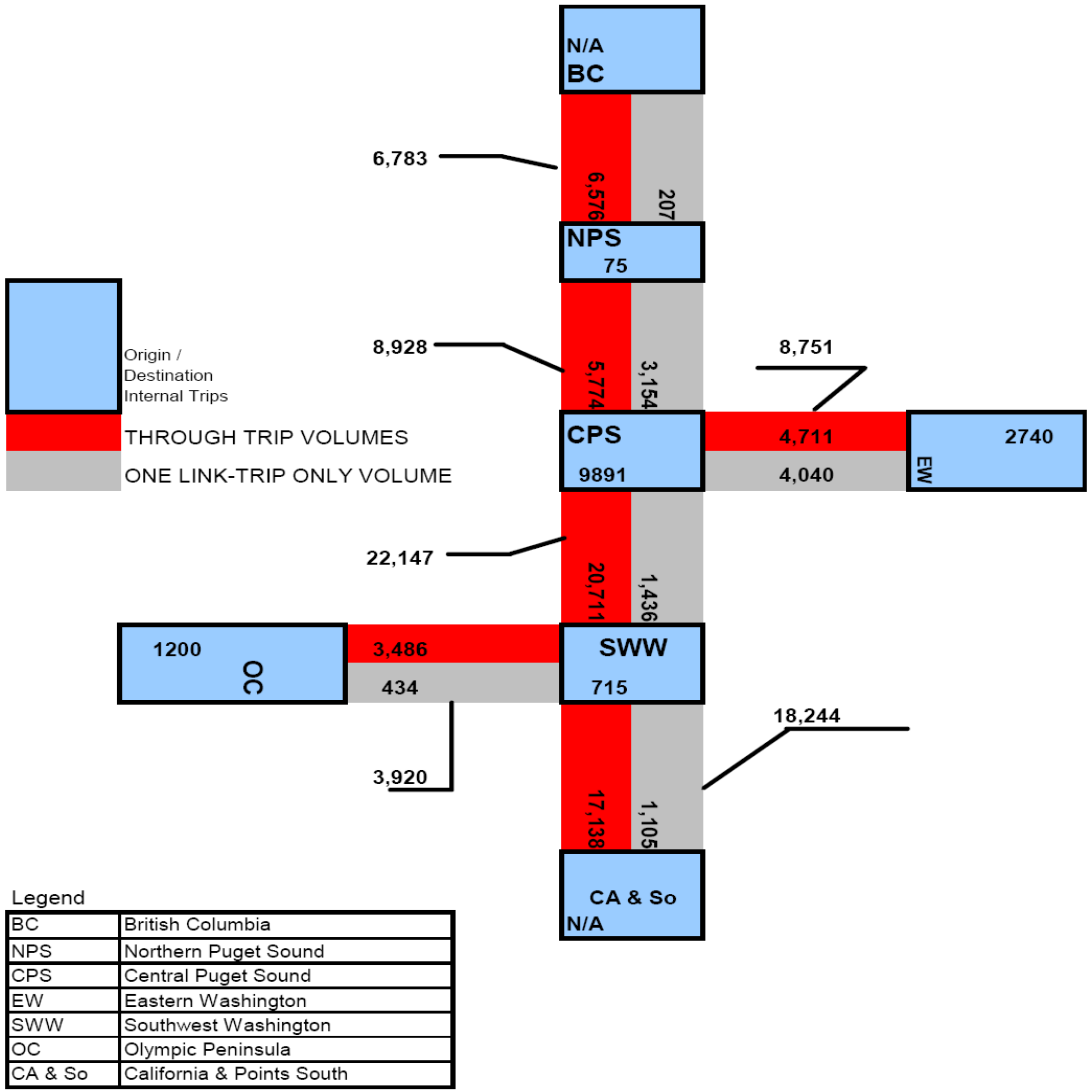
- Truck-toll highway not feasible without public funding:

  – Not enough long-haul truck volume to support segment from Seattle to Canada

  – May be enough long-haul truck volume to support segment from Seattle to Oregon, but would require public funding

  – To be financially feasible, a two-lane truck-toll highway south of Seattle would need to divert 50% of long-haul trucks from I-5. Trucks could pay up to a $60 toll (about $0.60/mile for 100 miles from Chehalis to the I-90 area)

Distribution of Through Daily Truck Trips - Current



Source: Strategic Freight Transportation Analysis (SFTA). See *Washington Commerce Corridor Feasibility Study Final Report. Chapter Six: Feasibility of a User Financed WCC:* (6-17). <http://www.wsdot.wa.gov/freight/TechnicalMemos.htm>

Is It Possible To Build the Commerce Corridor?

Environmental and Community Impacts

- Fatal flaw: Cedar River watershed
- Damage to community fabric
- Would require extensive changes to current zoning
- Environmental review processes in Washington aren’t able to handle a project of this scope, and represent significant pre-construction risk for a private venture

Full Commerce Corridor Concept Cost Is Too High

- The full corridor would cost between $41 billion to $50 billion… too expensive for the private sector

Legal and Institutional Issues

- Current legislation discourages public-private ventures of this nature
- Would need to create a new single-purpose entity to guide the project
- Limitations on role private entity can play in environmental review process
- Restrictions on co-locating utilities

Study Recommendations

Actionable Next Steps

1. Reduce the complexity, scale and length of the corridor concept. Focus on freight alone, where demand is greatest – between Central Puget Sound and Oregon/California.

2. Pursue a multimodal freight corridor strategy for Western Washington, tied to plans in Canada, Oregon, and California.

3. Conduct a detailed feasibility analysis of a public/private truck freight corridor between greater Seattle and Chehalis, and possibly south to Oregon.

Study Recommendations

Issues to be addressed, should the full corridor concept have been found feasible.

4. Create more robust public-private transportation legislation in Washington.

5. Create a single entity to coordinate creation of state significant energy corridors.

6. Develop a streamlined environmental review and permitting process.

Questions and Comments

Thank You

Contacts:

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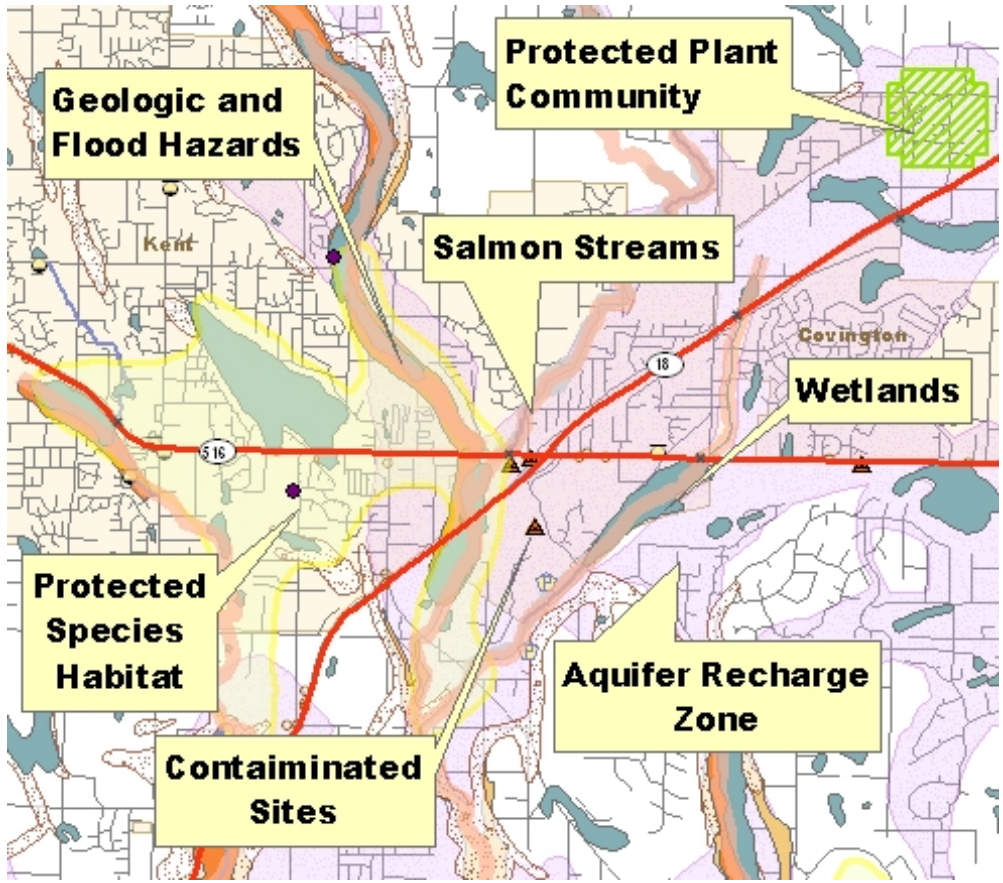
Charlie Howard WSDOT - (360) 705-7958
Arno Hart WSA - (213) 627-3855
Tom Jones WSA - (425) 451-8427

The GIS Workbench Provides Access to Over 500 Environmental Data Sets From Over 30 Organizations.

Topics include:

- Protected Animals and Plants
- Wetlands & Habitats
- Pollution & Contamination
- Soils and Geologic Hazards
- Local Zoning & Land Use
- Archaeology and Historic Sites
- Population Characteristics (race, income, etc)
- Aquifers and Drinking Water



Data Sources for Environmental Information Found in the GIS Workbench

Federal Agencies
- USGS
- USCB
- NOAA
- USW&FS
- USFS
- EPA
- NRCS
- FEMA
- HUD
- NPS
- BLM
- BPA

State Agencies
- WSDOT
- WDFW
- ECY
- DNR
- IAC / SRFB
- DOH
- OFM
- OAHP / CTED

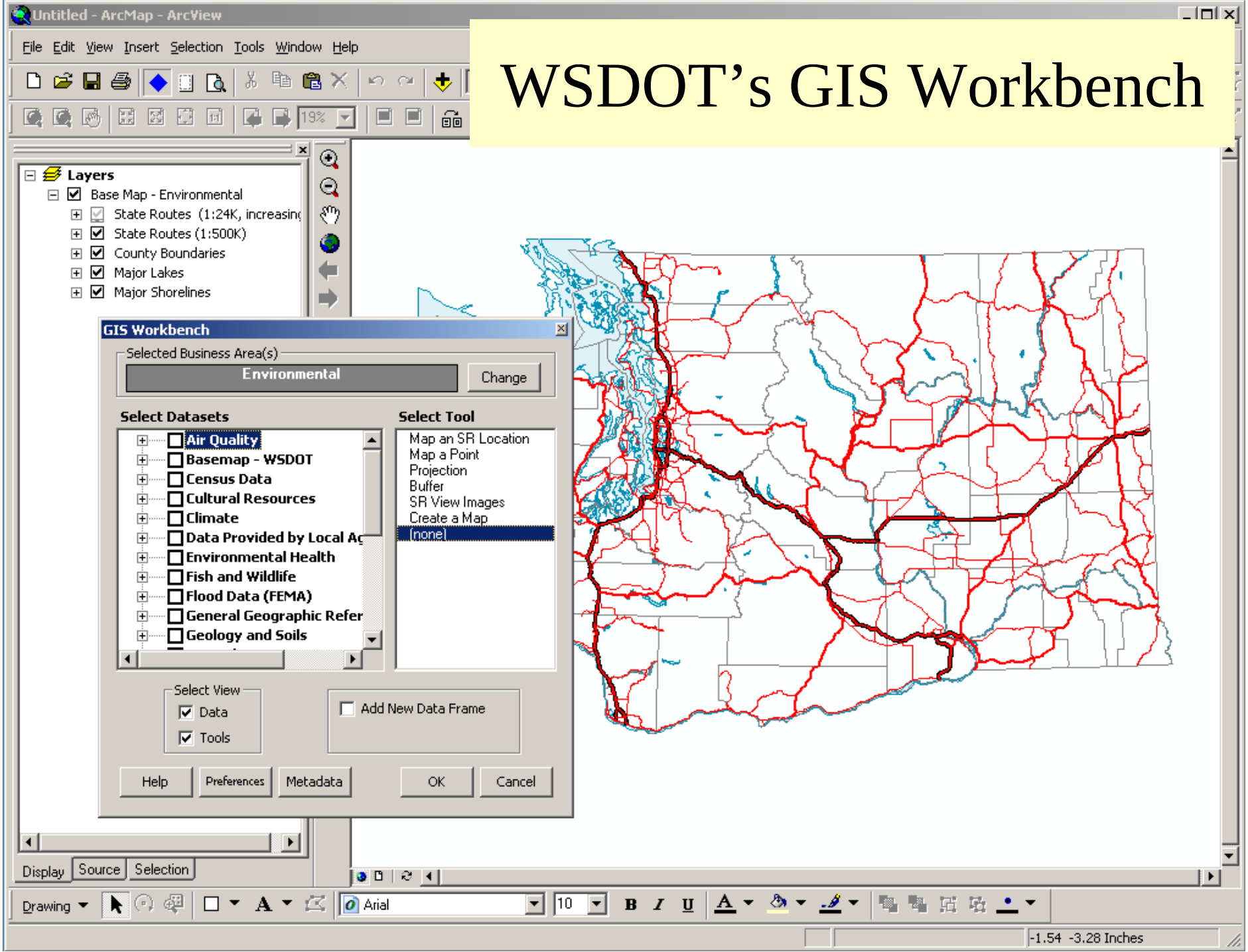
Local & Other Sources
- PSRC
- NWIFC
- 12 Counties
- 2 Cities
- 2 NGOs
- 3 private firms
- 2 Universities

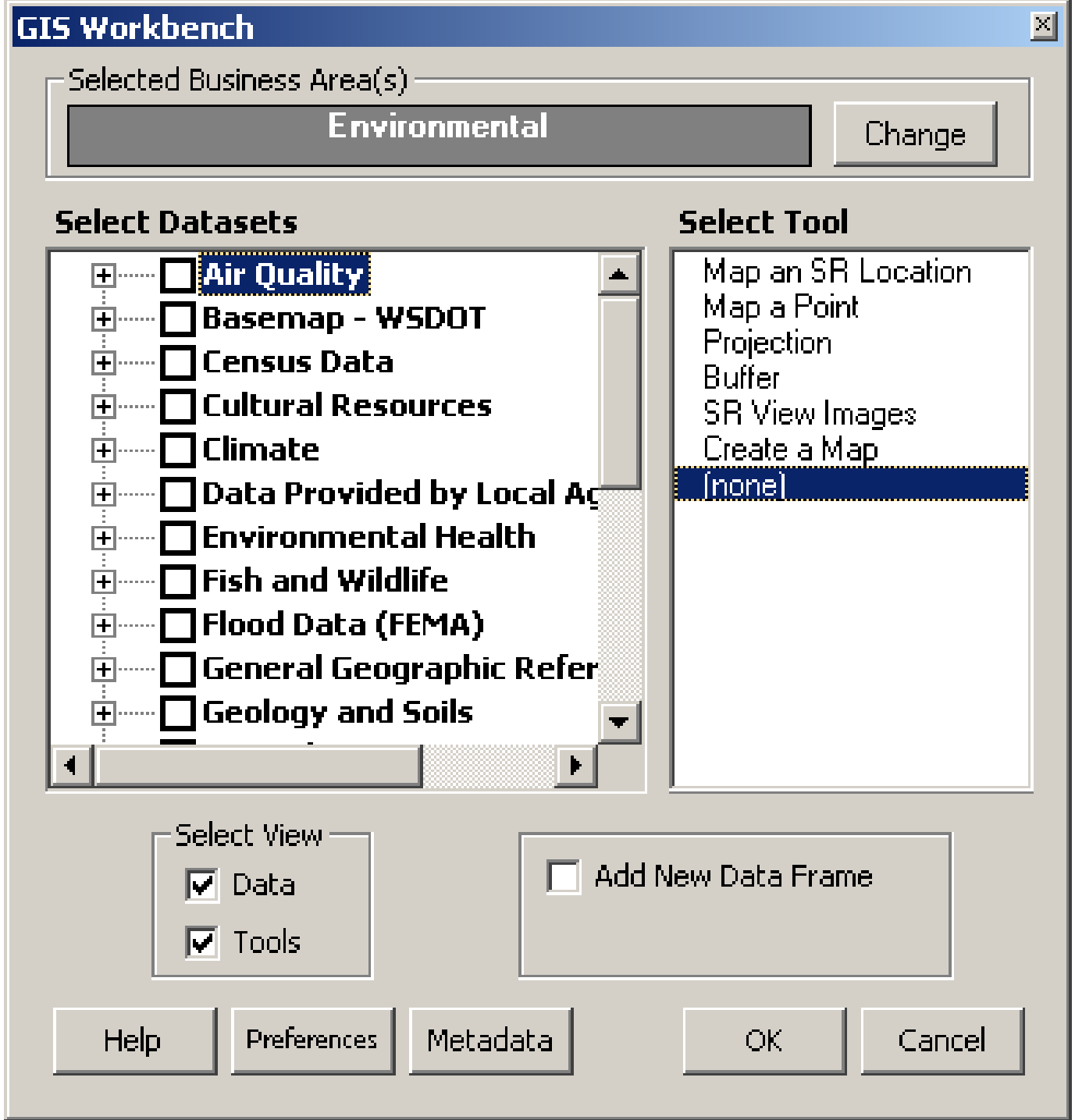
WSDOT acquires data from over 30 different Federal, State, Local, Tribal and private sources through one-by-one contacts.

Environmental Subject Areas in the GIS Workbench

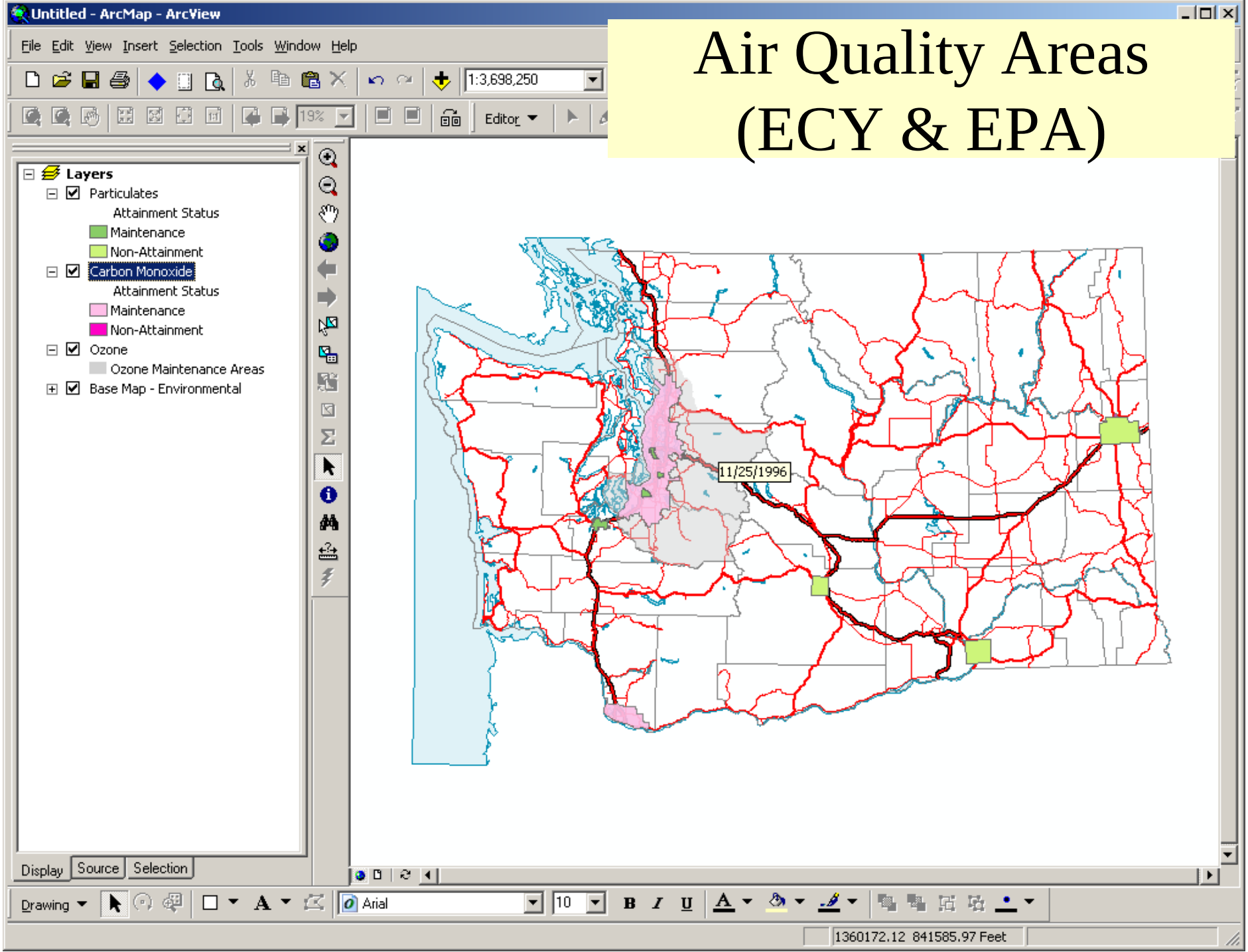
Air Quality
Basemap
Census Data
Cultural Resources
Climate
Elevation
Environmental Health
Fish & Wildlife
Flood
General Geographic Reference
Geology & Soils
Groundwater
Imagery
  orthophotos / aerial photos
  scanned references – USGS quads
  shaded relief
Land Use / Land Cover
Local Agency Data
Political & Administrative Units
Socio-Demographics
Transportation Features
Transportation Projects
Water Quality
Watersheds / Sub-Basins
Wetlands

WSDOT's GIS Workbench

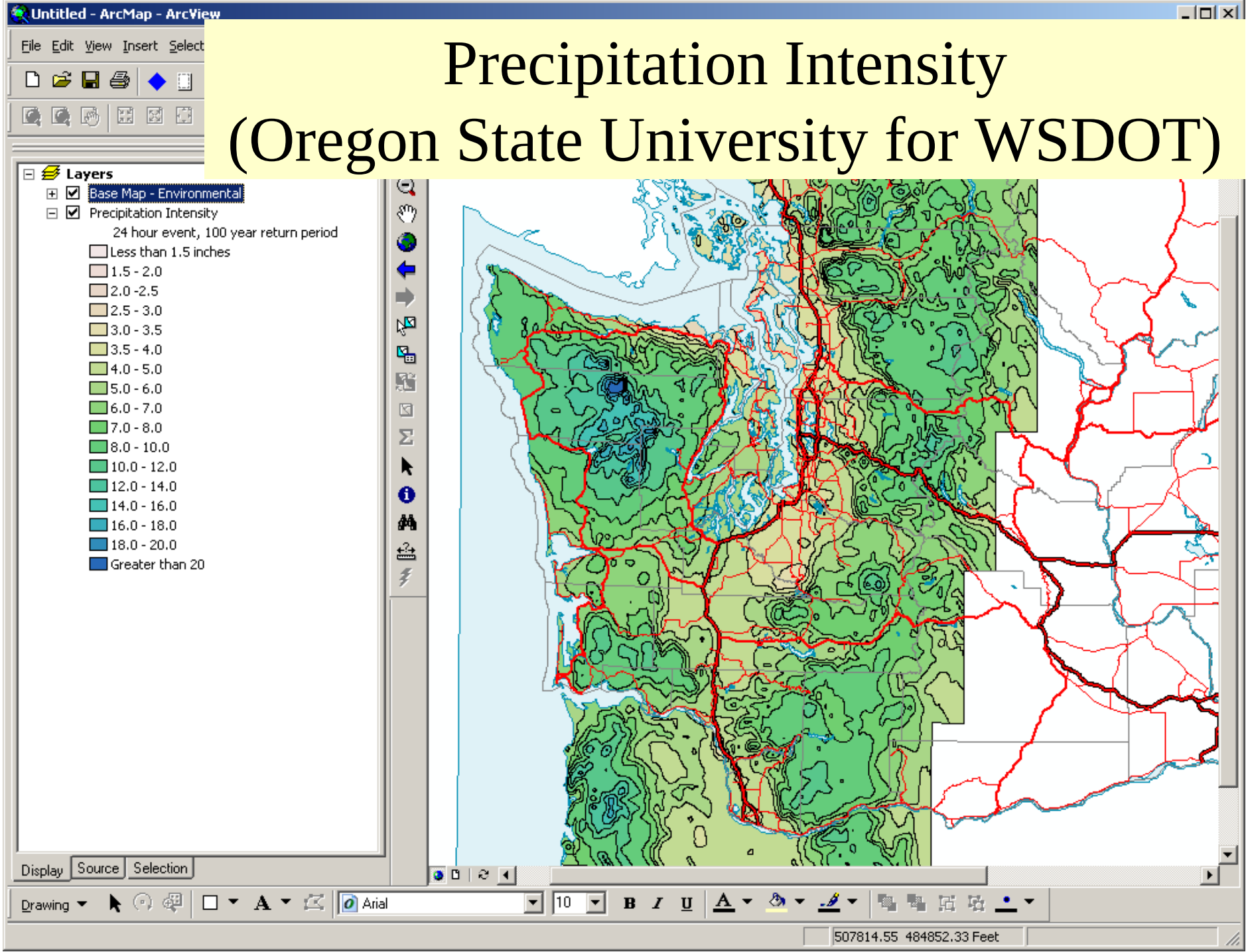



GIS Workbench
Selected Business Area(s)
Environmental
Change
Select Datasets
Air Quality
Basemap - WSDOT
Census Data
Cultural Resources
Climate
Data Provided by Local Ag
Environmental Health
Fish and Wildlife
Flood Data (FEMA)
General Geographic Refer
Geology and Soils
Select Tool
Map an SR Location
Map a Point
Projection
Buffer
SR View Images
Create a Map
(none)
Select View
Data
Tools
Add New Data Frame
Help
Preferences
Metadata
OK
Cancel

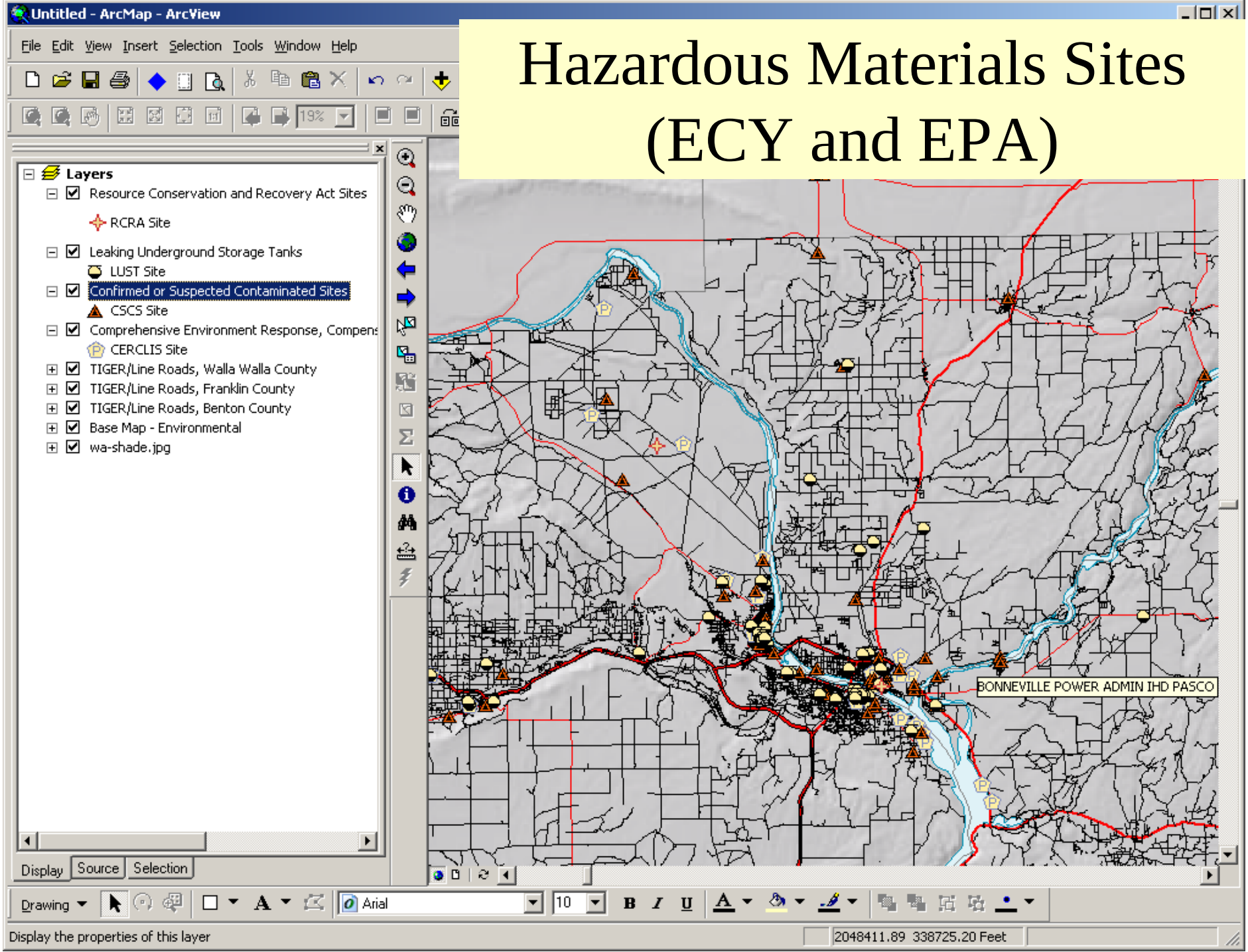
Air Quality Areas (ECY & EPA)



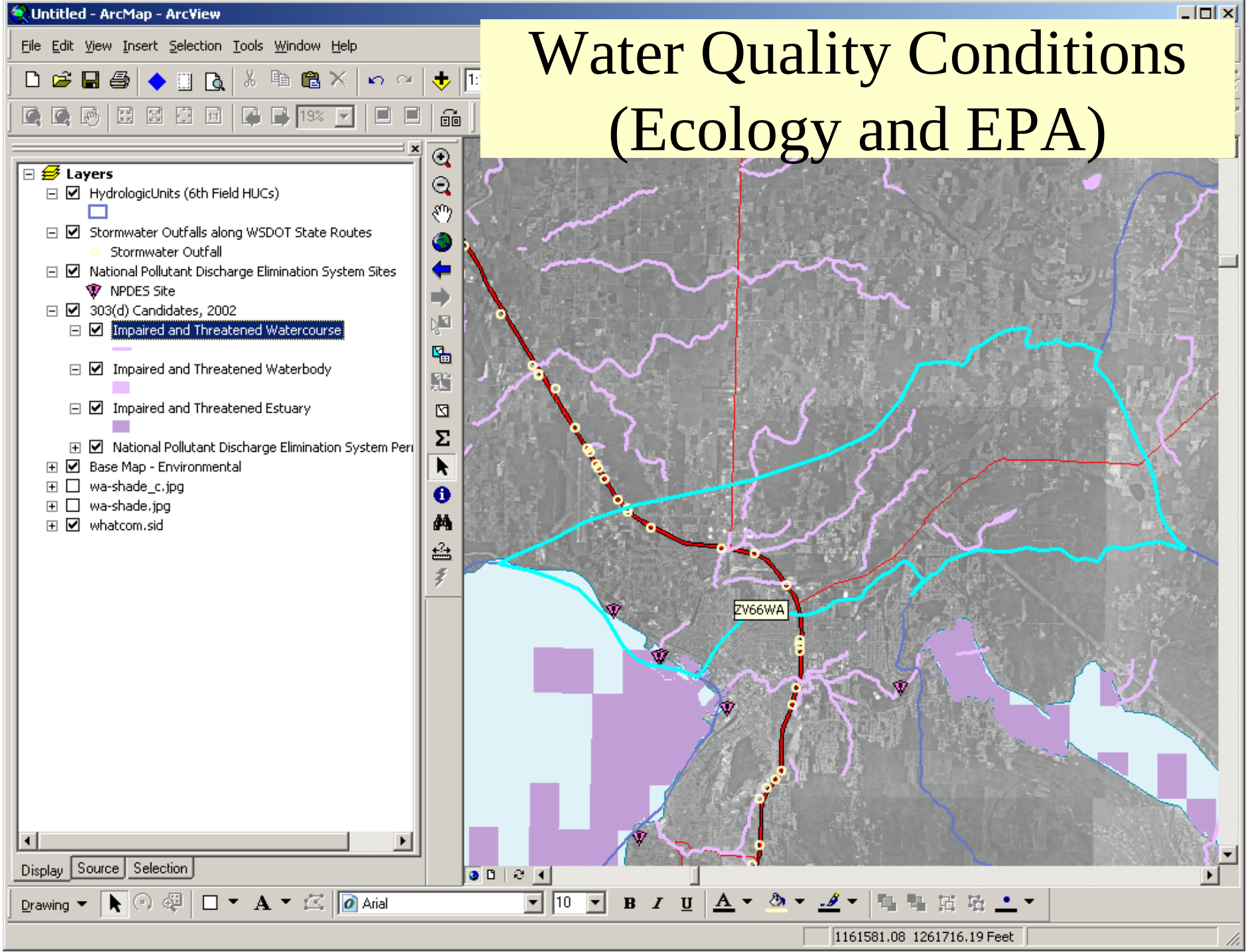
Precipitation Intensity
(Oregon State University for WSDOT)



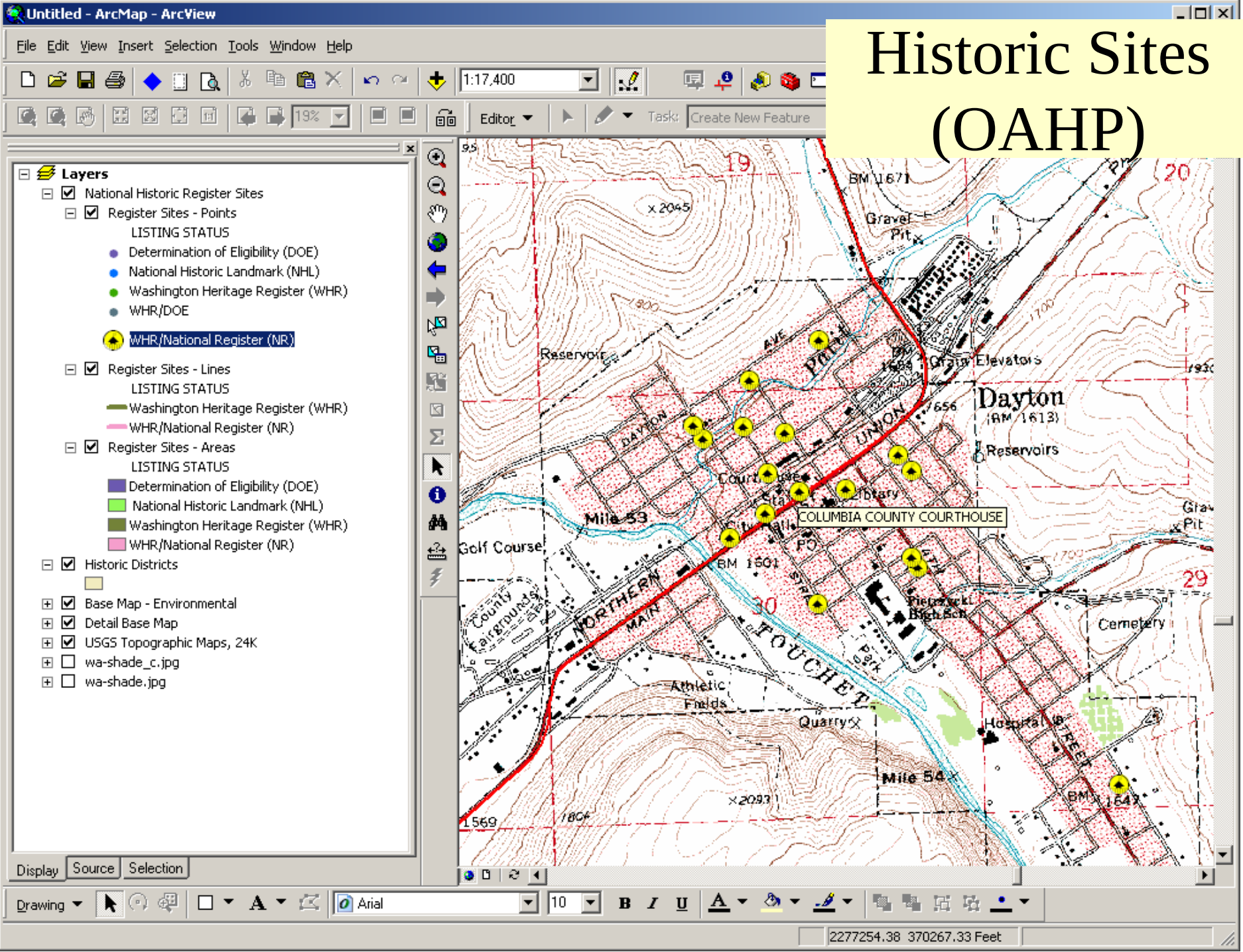
Hazardous Materials Sites (ECY and EPA)



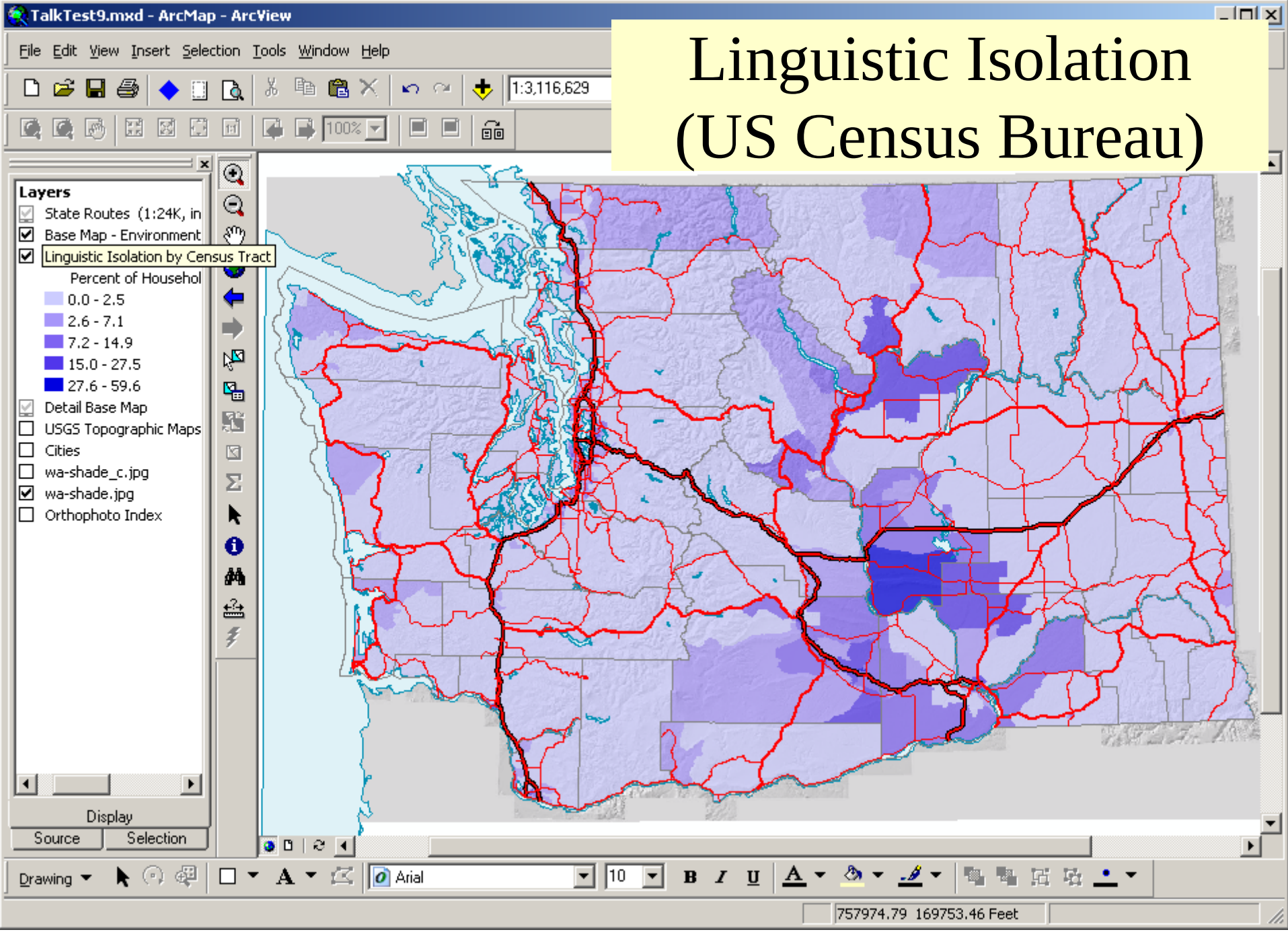
Water Quality Conditions (Ecology and EPA)



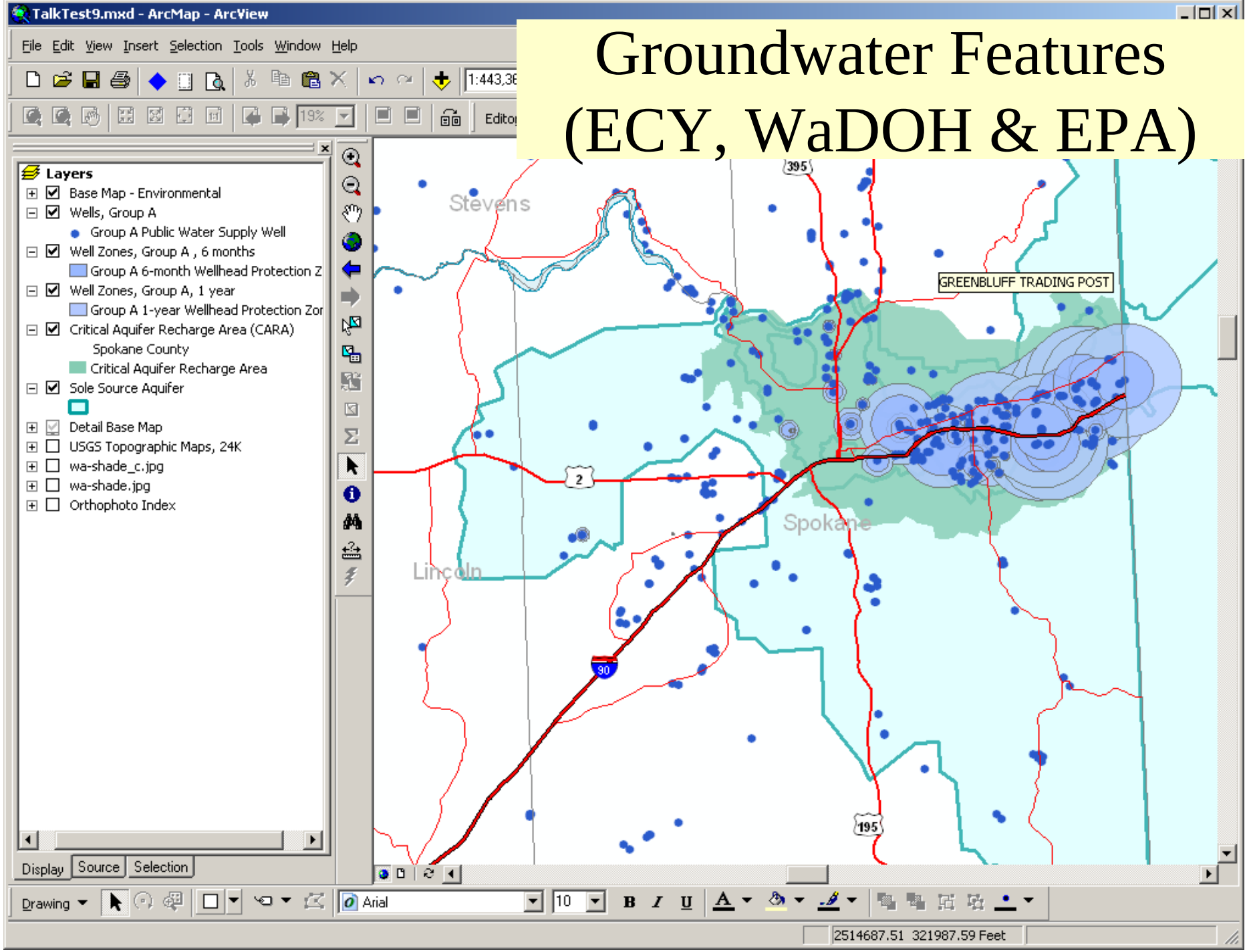
Historic Sites (OAHP)



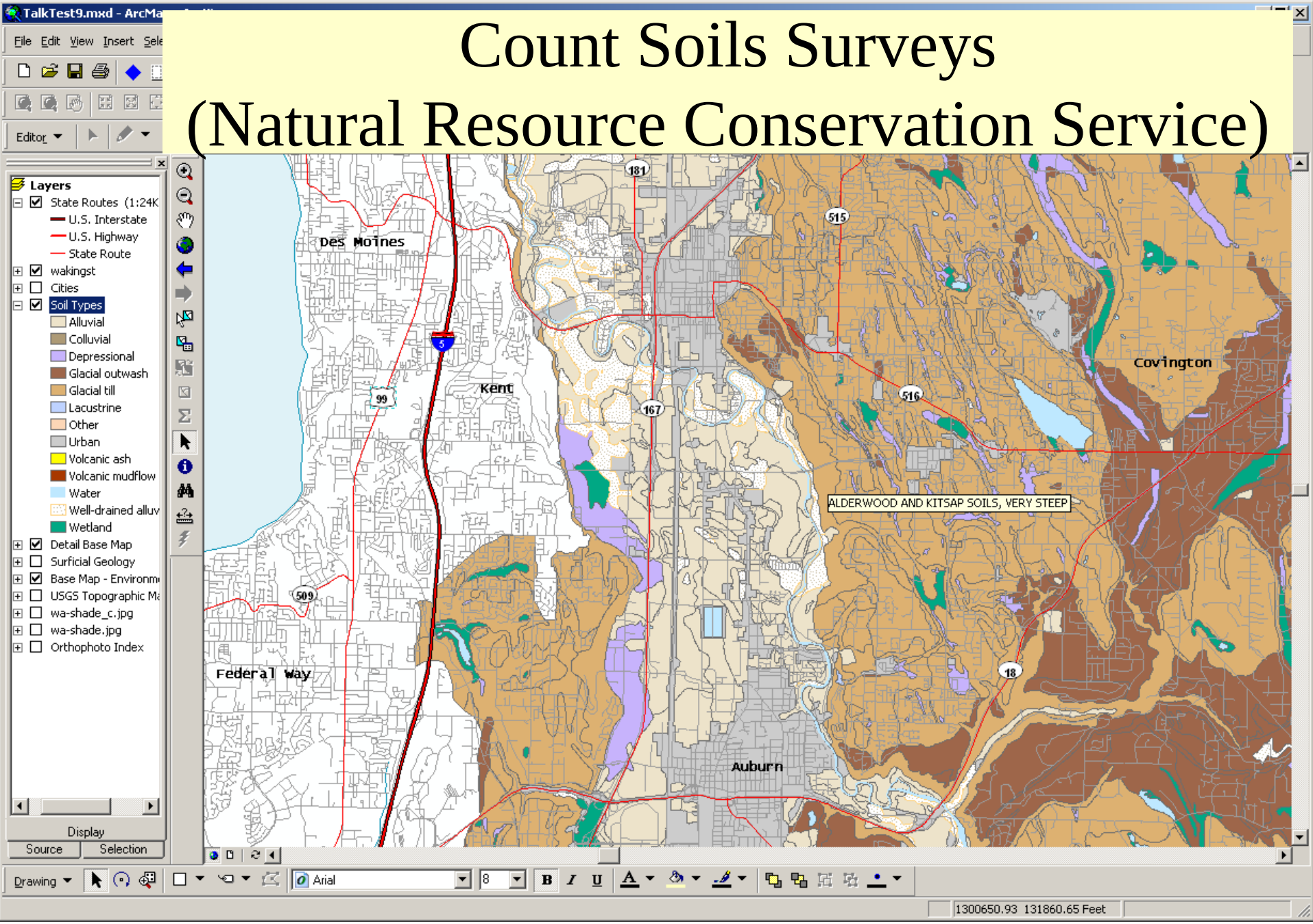
Linguistic Isolation (US Census Bureau)



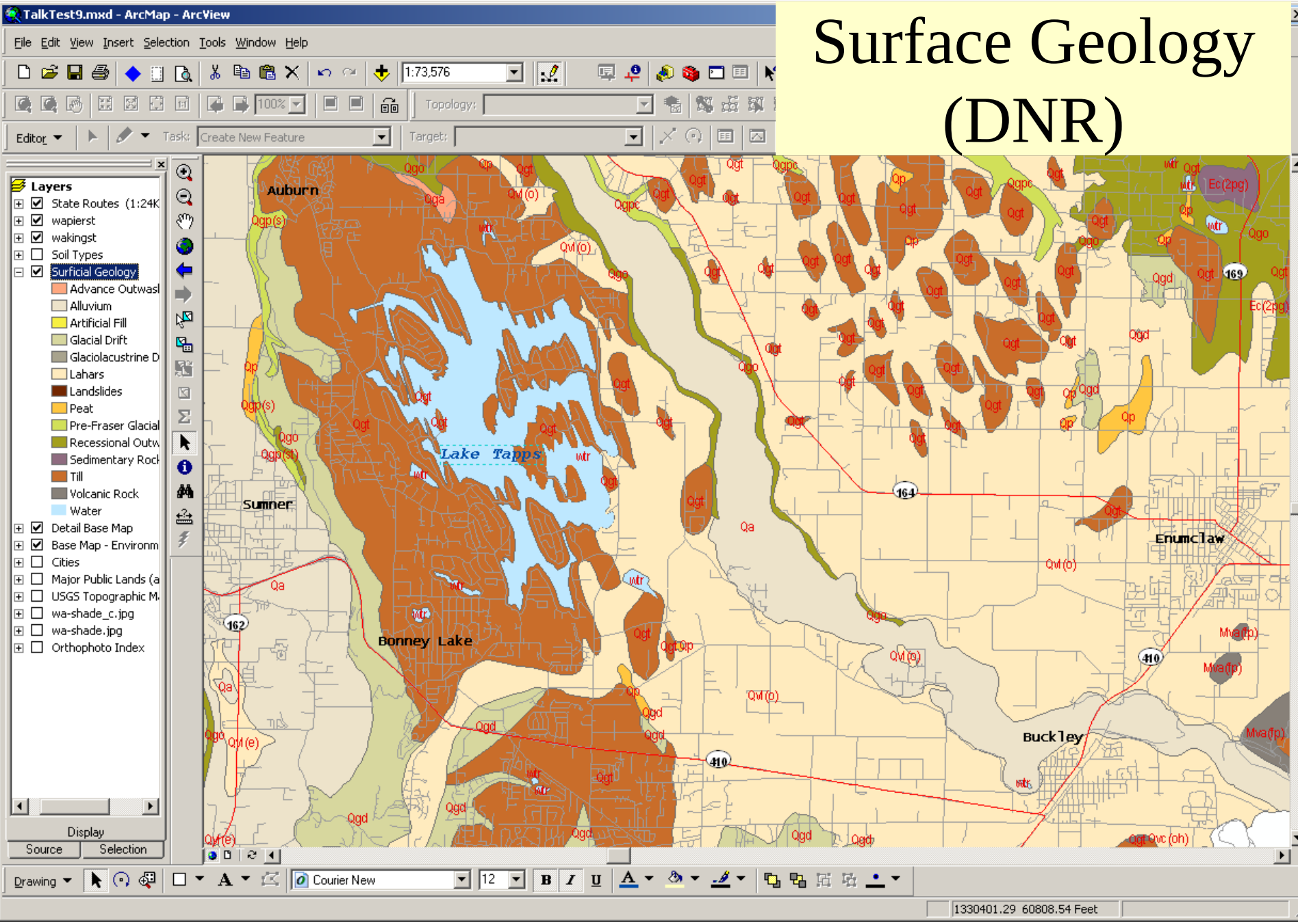
Groundwater Features (ECY, WaDOH & EPA)



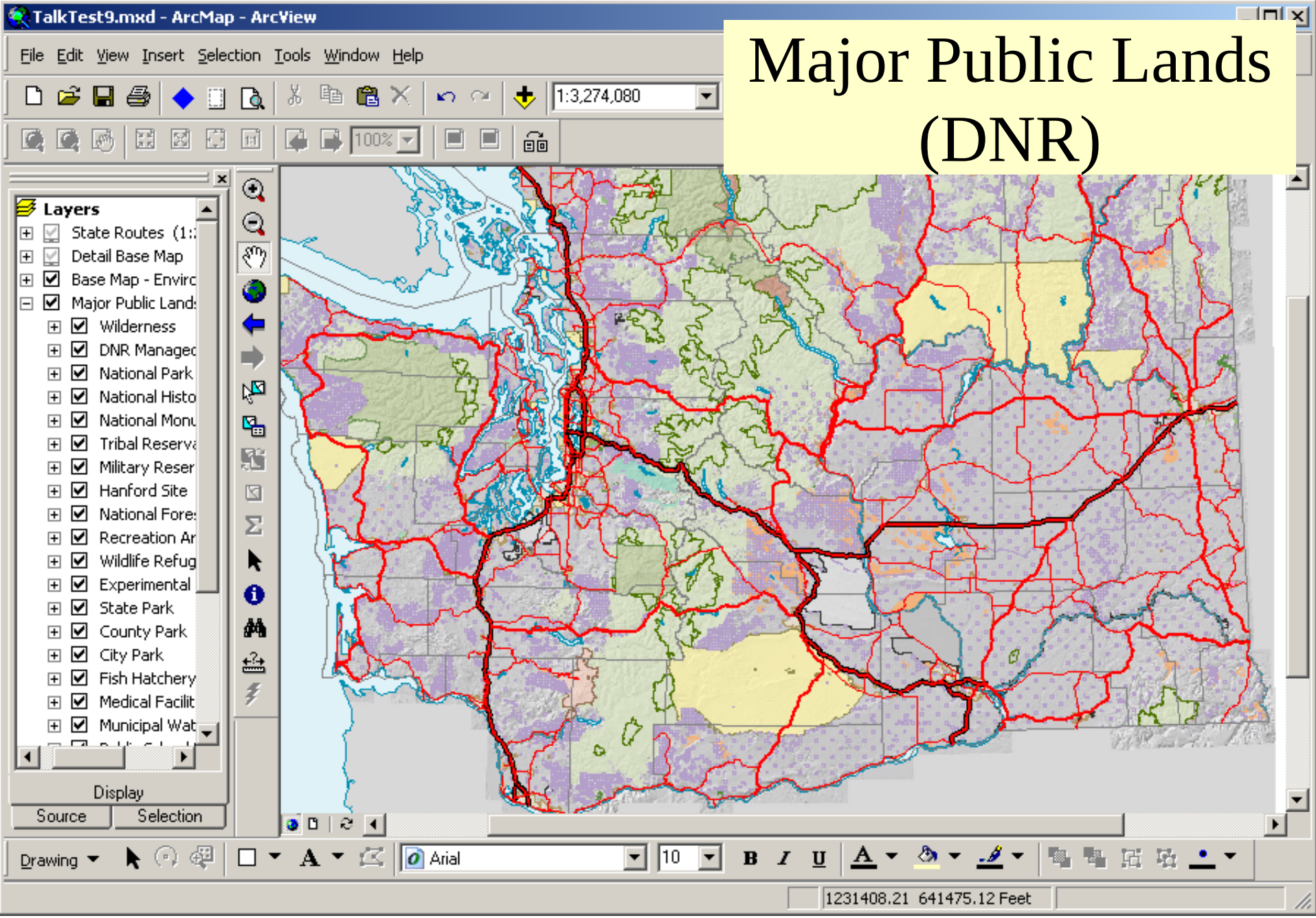
Count Soils Surveys (Natural Resource Conservation Service)

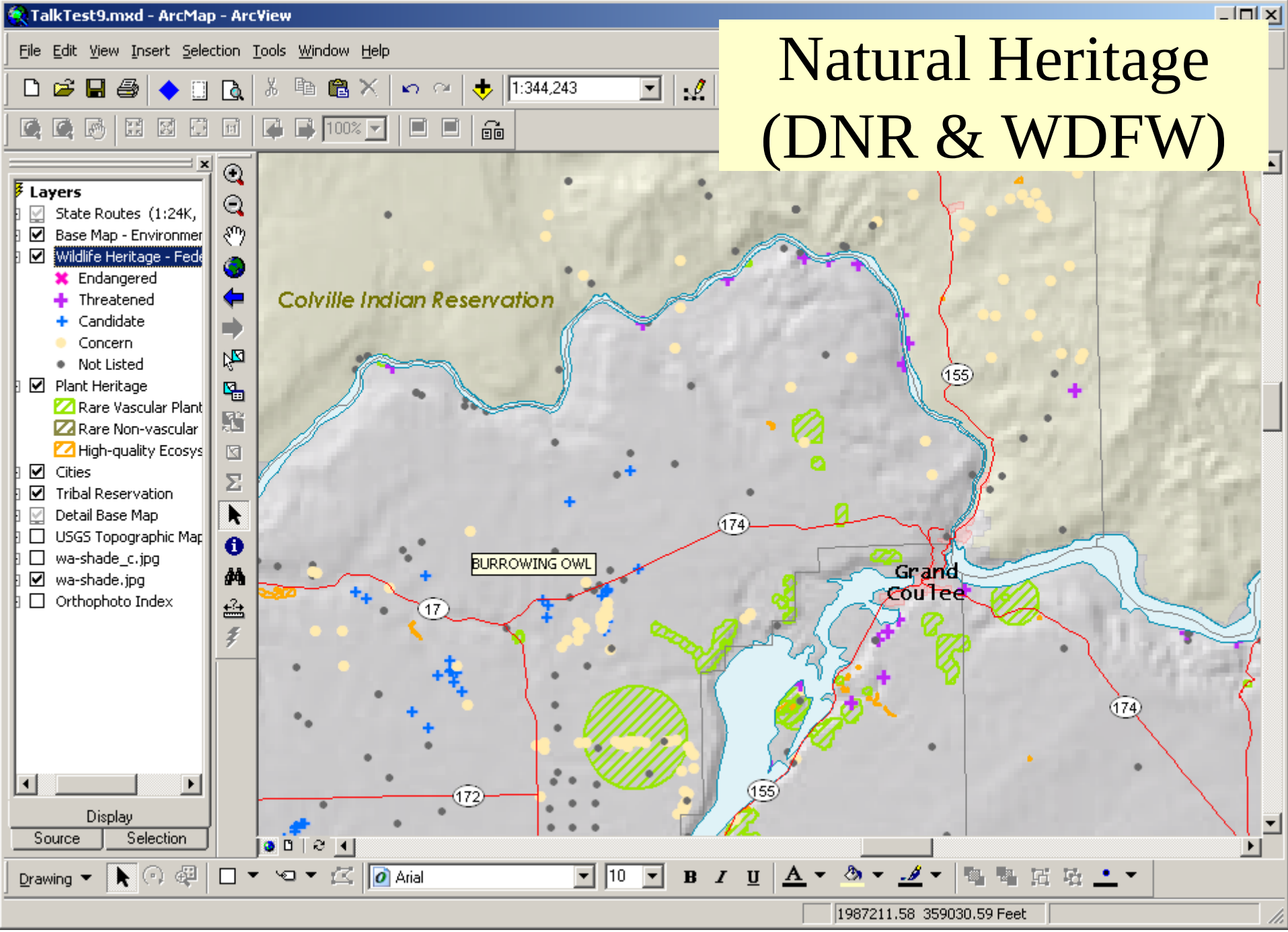


Surface Geology (DNR)



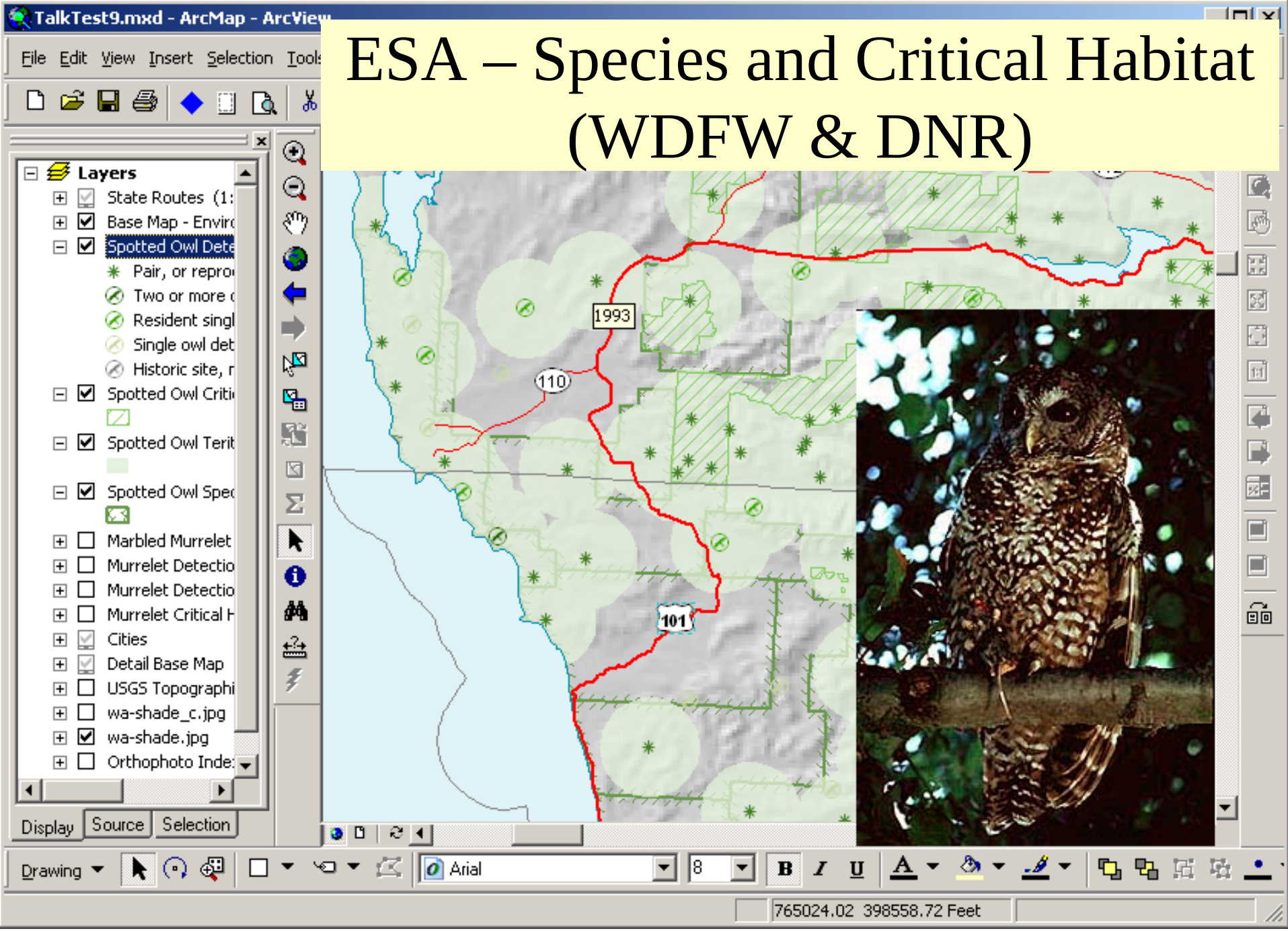
Major Public Lands (DNR)



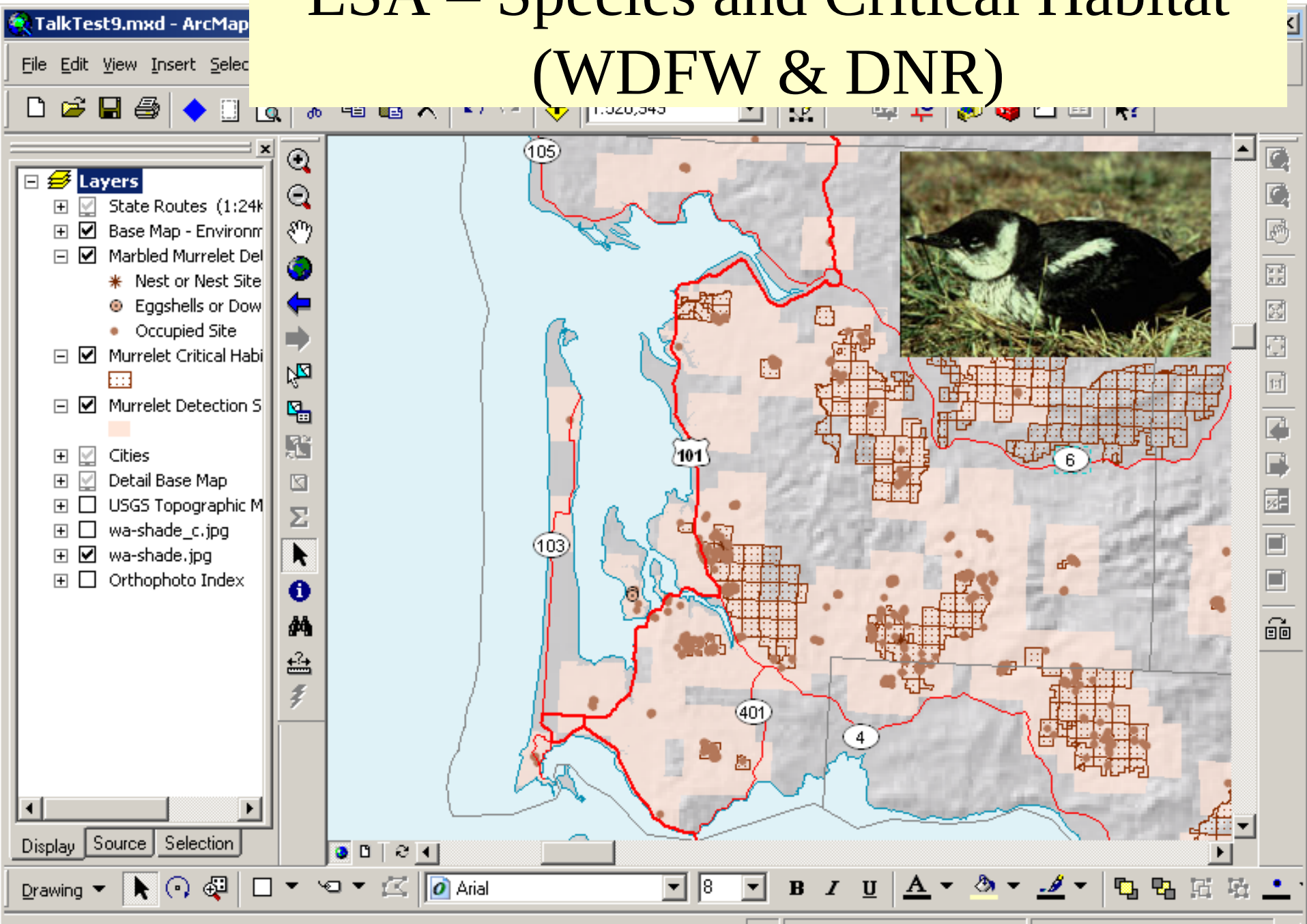


Natural Heritage (DNR & WDFW)

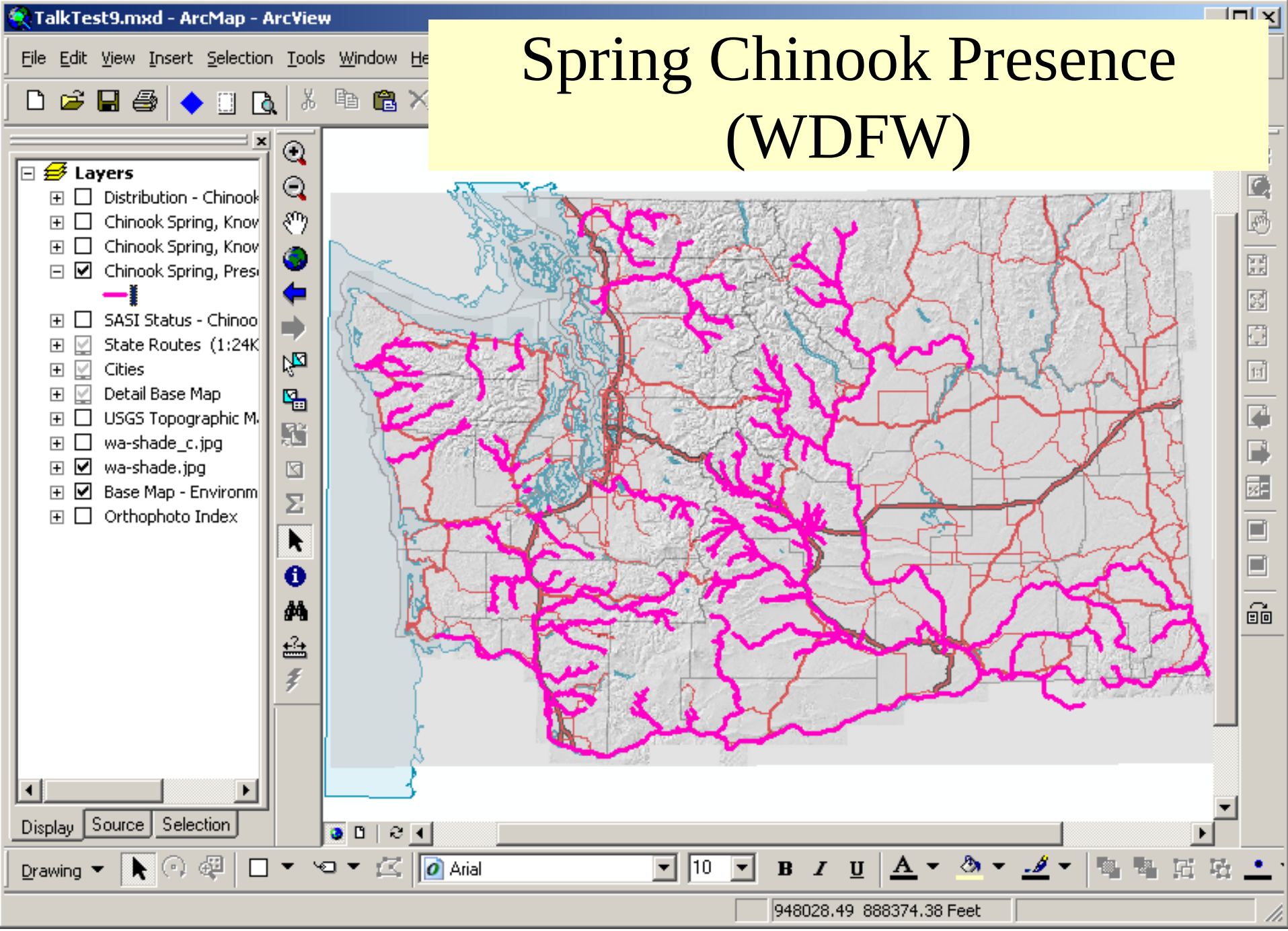
ESA – Species and Critical Habitat (WDFW & DNR)



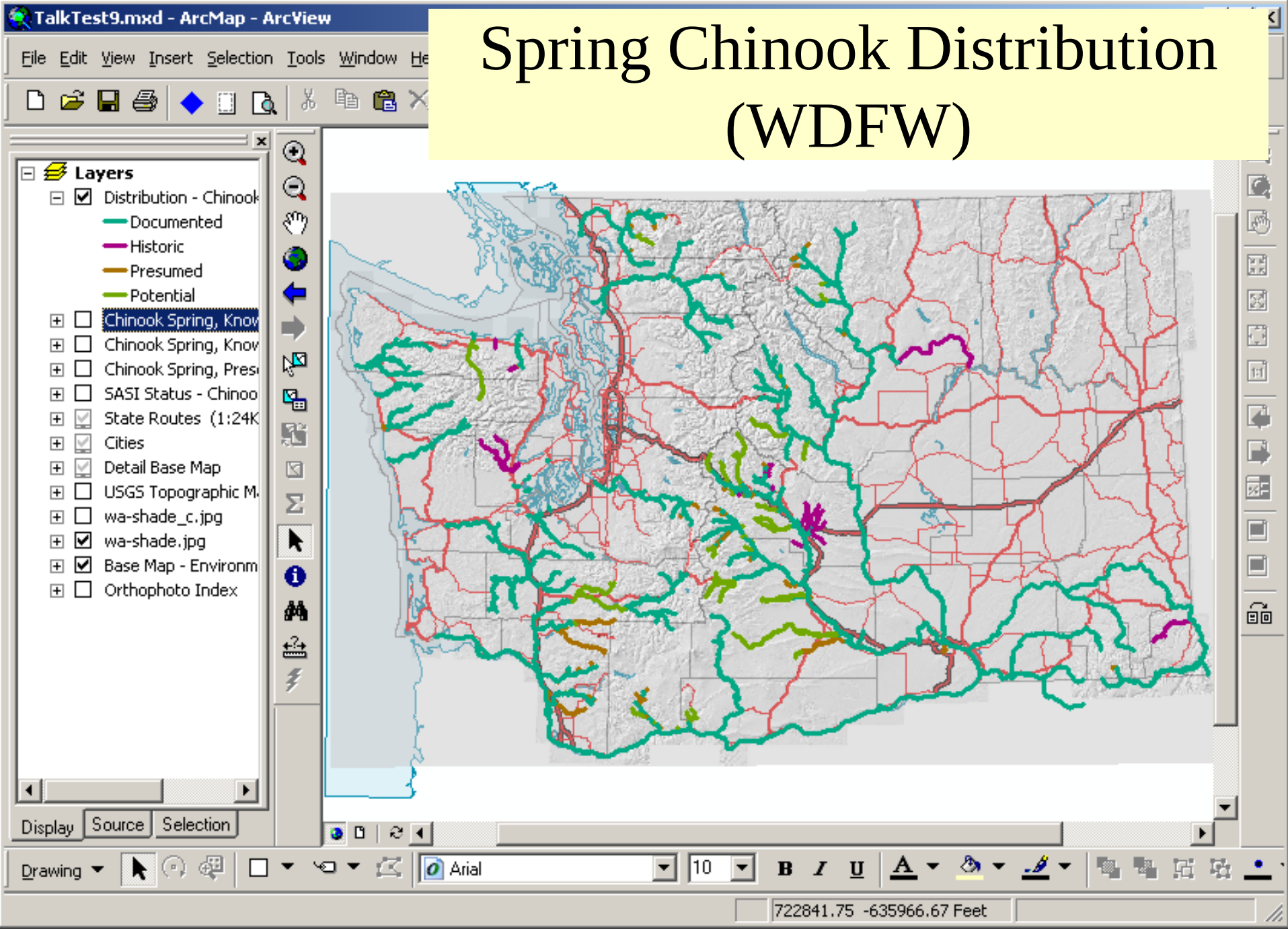
ESA – Species and Critical Habitat (WDFW & DNR)



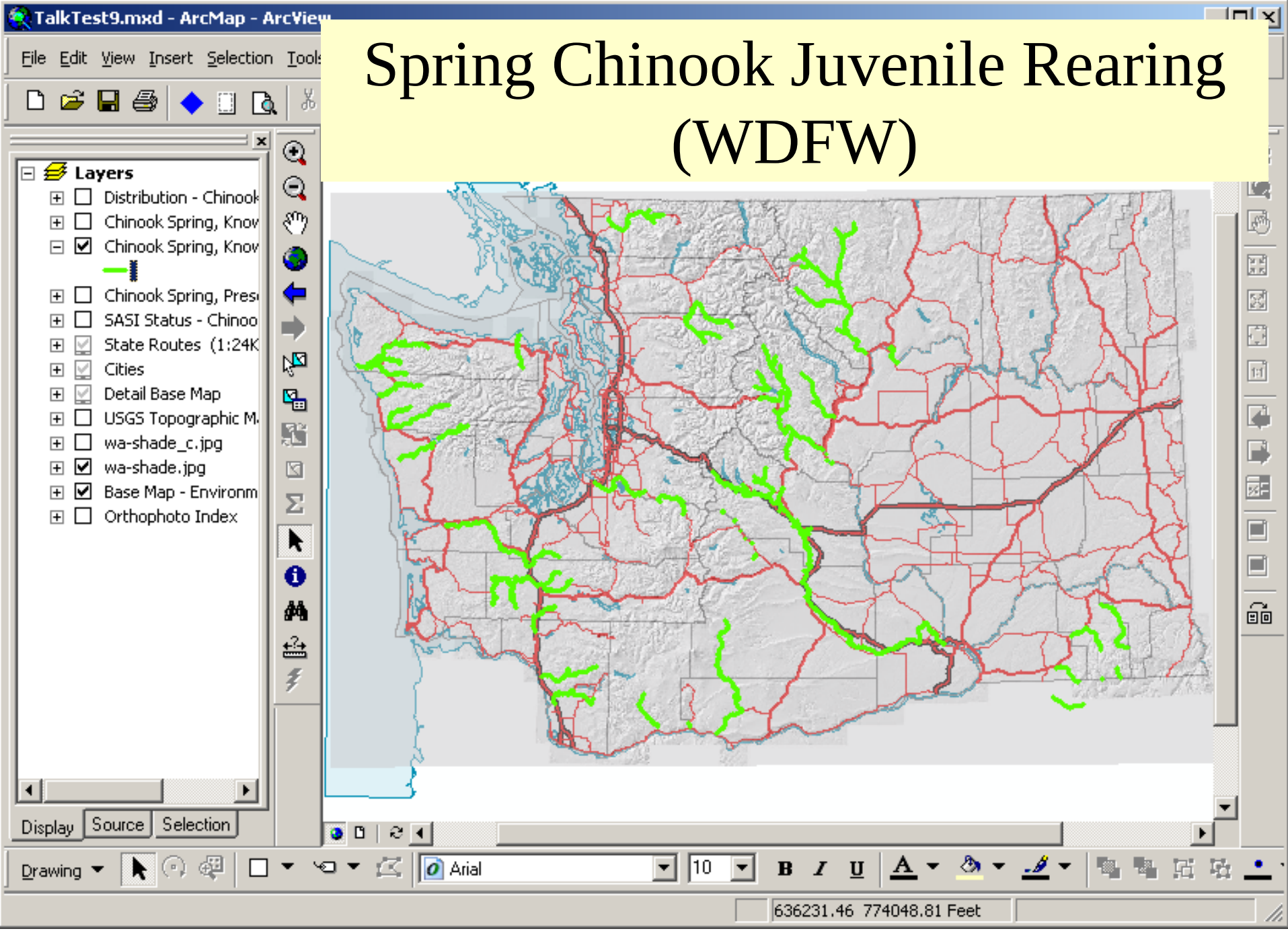
Spring Chinook Presence (WDFW)



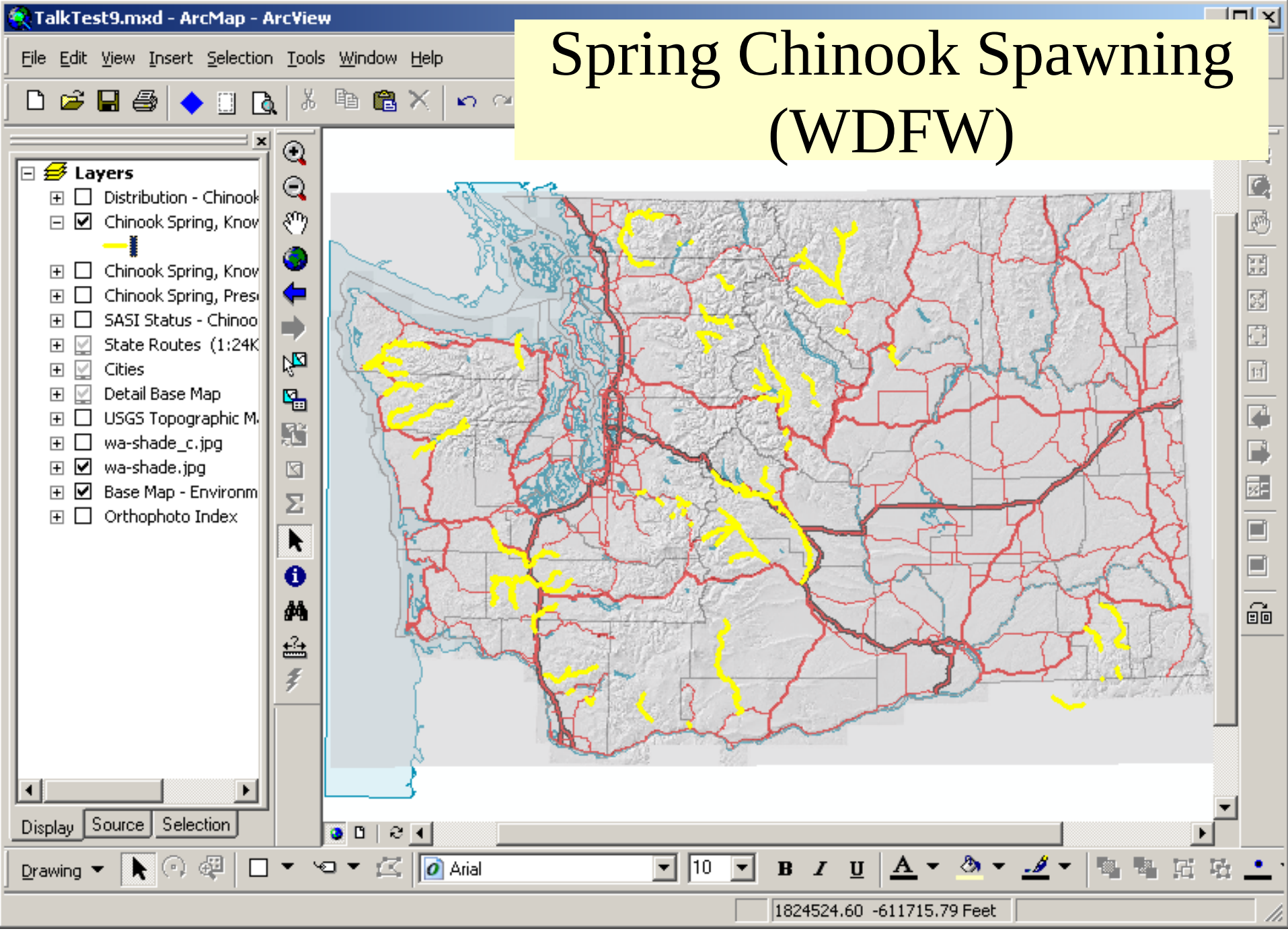
Spring Chinook Distribution (WDFW)



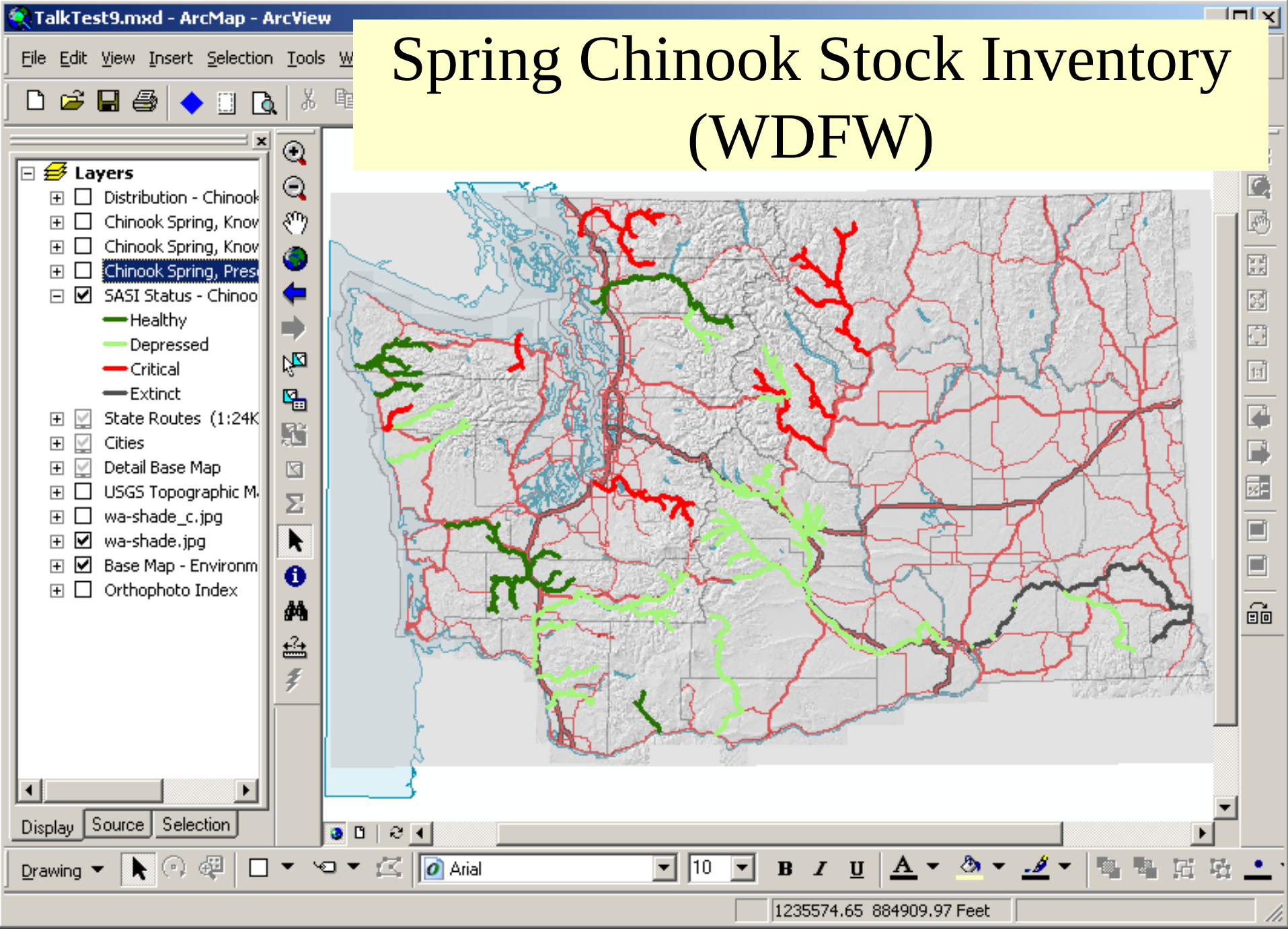
Spring Chinook Juvenile Rearing (WDFW)



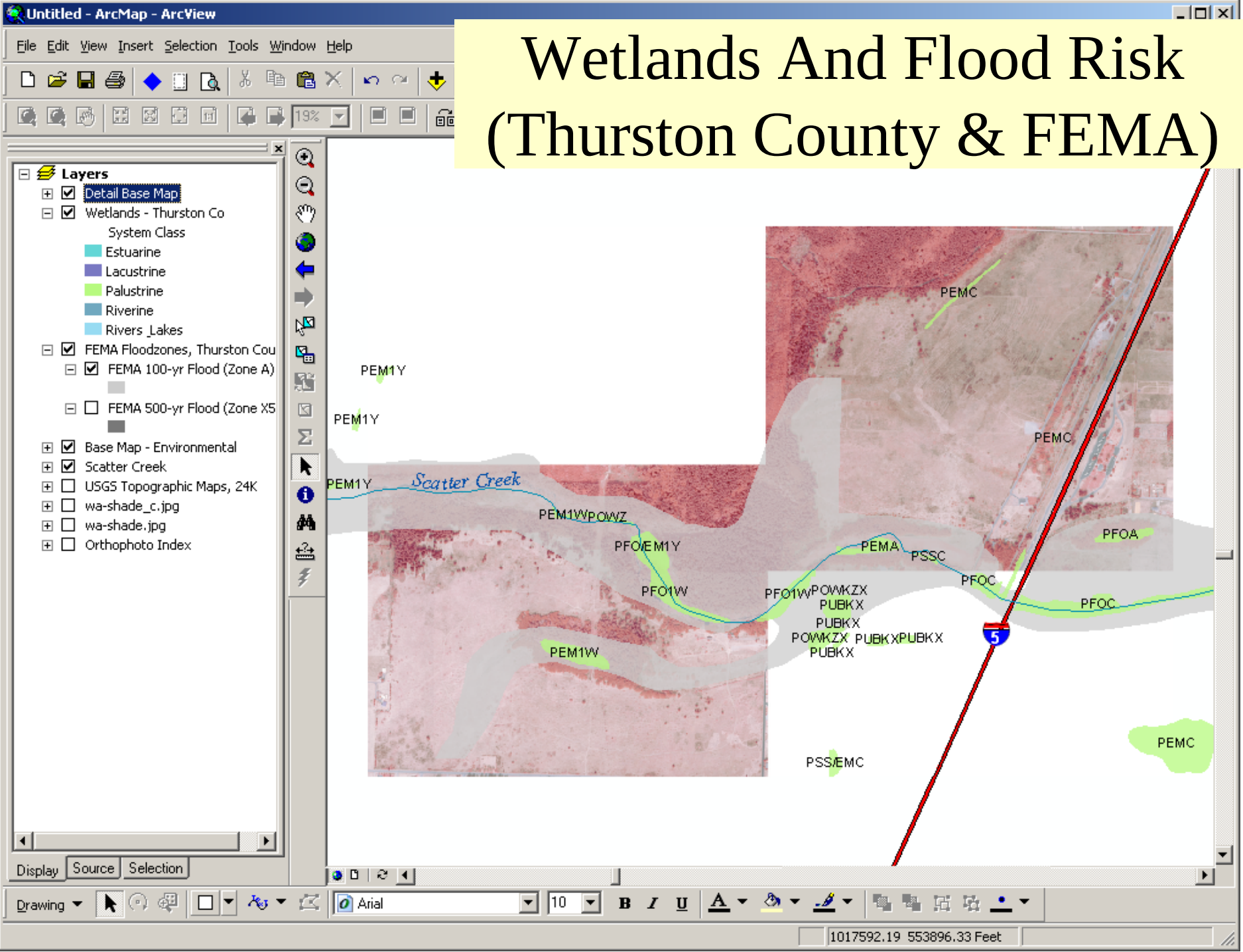
Spring Chinook Spawning (WDFW)



Spring Chinook Stock Inventory (WDFW)

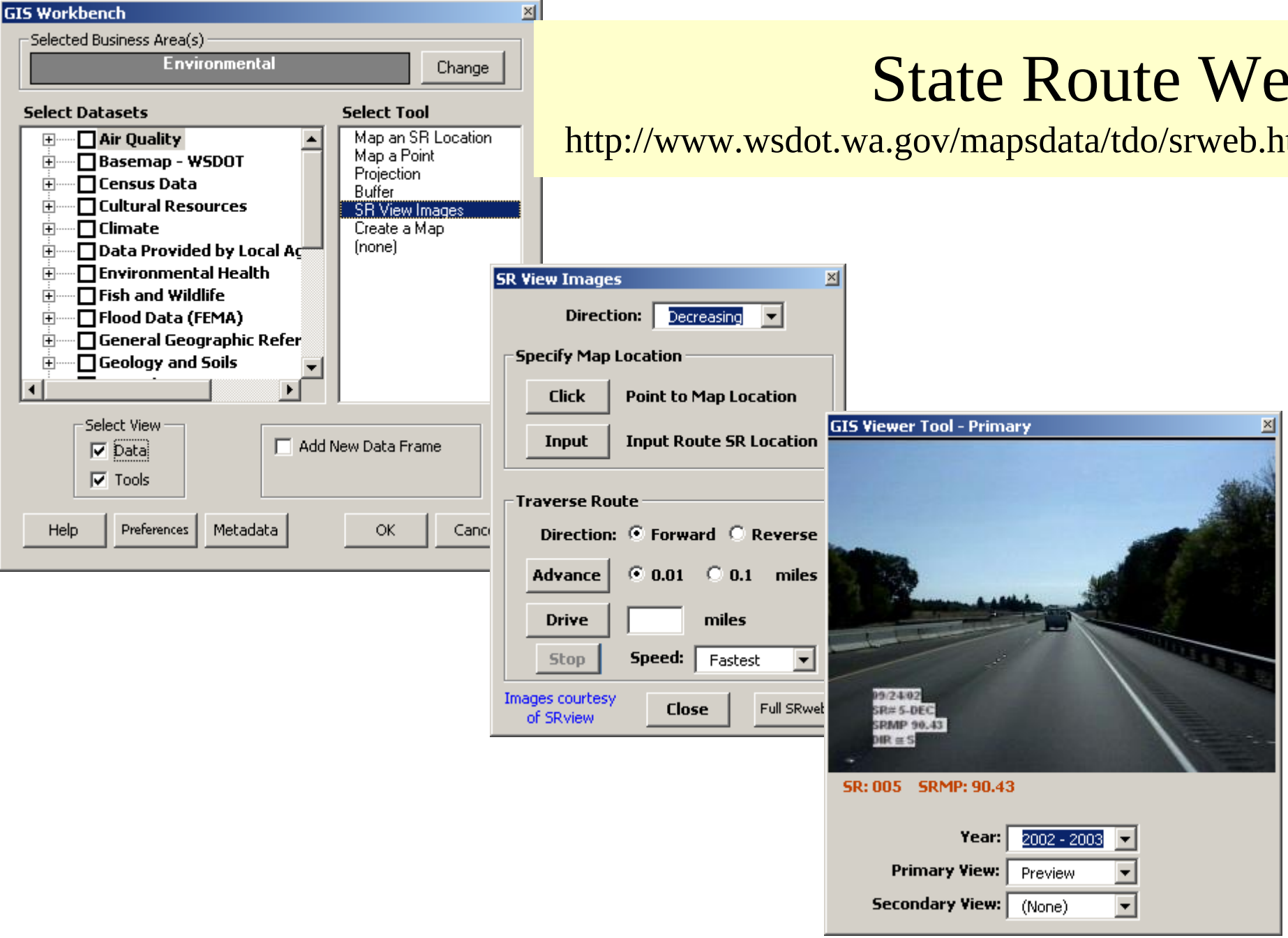


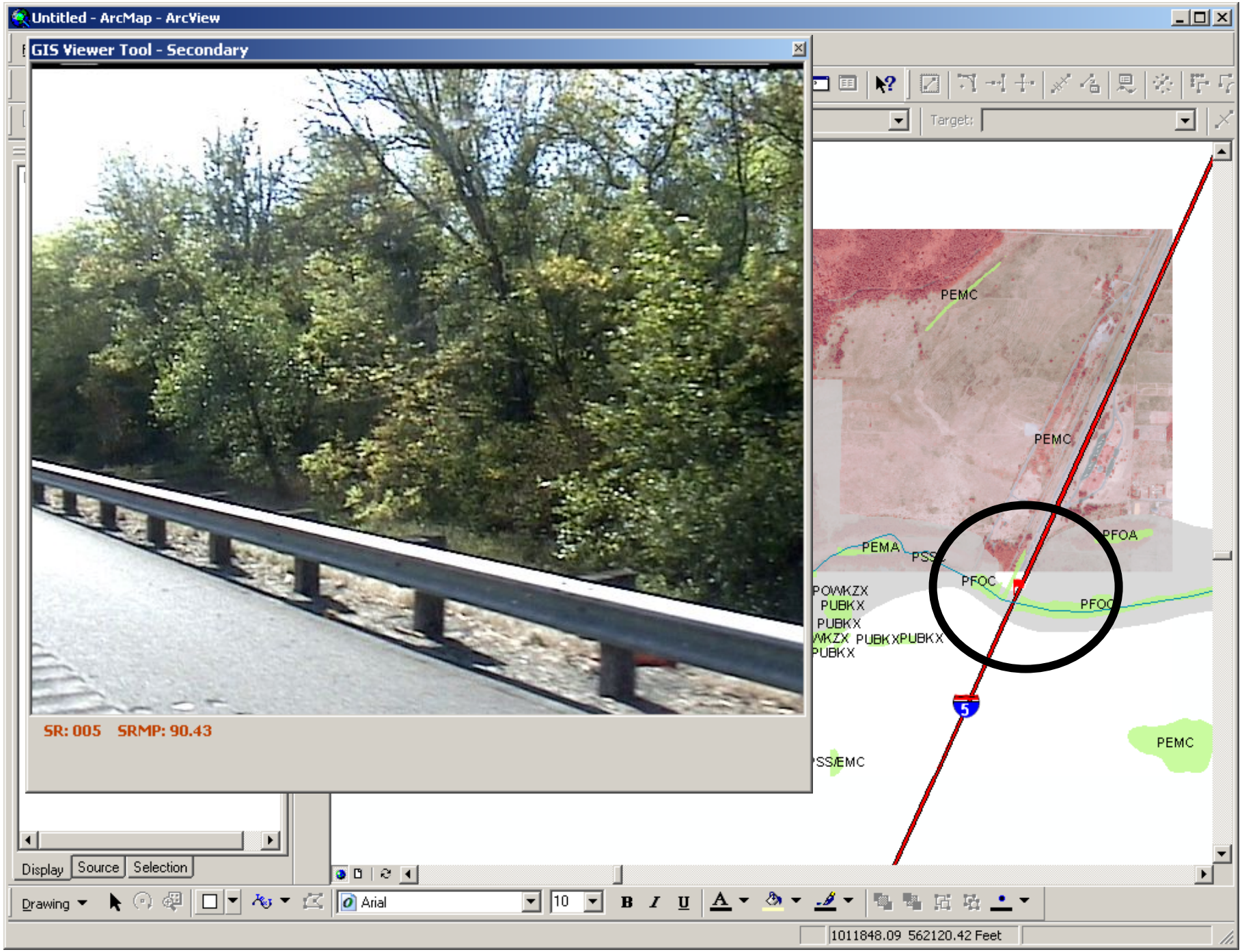
Wetlands And Flood Risk (Thurston County & FEMA)



State Route Web

http://www.wsdot.wa.gov/mapsdata/tdo/srweb.htm

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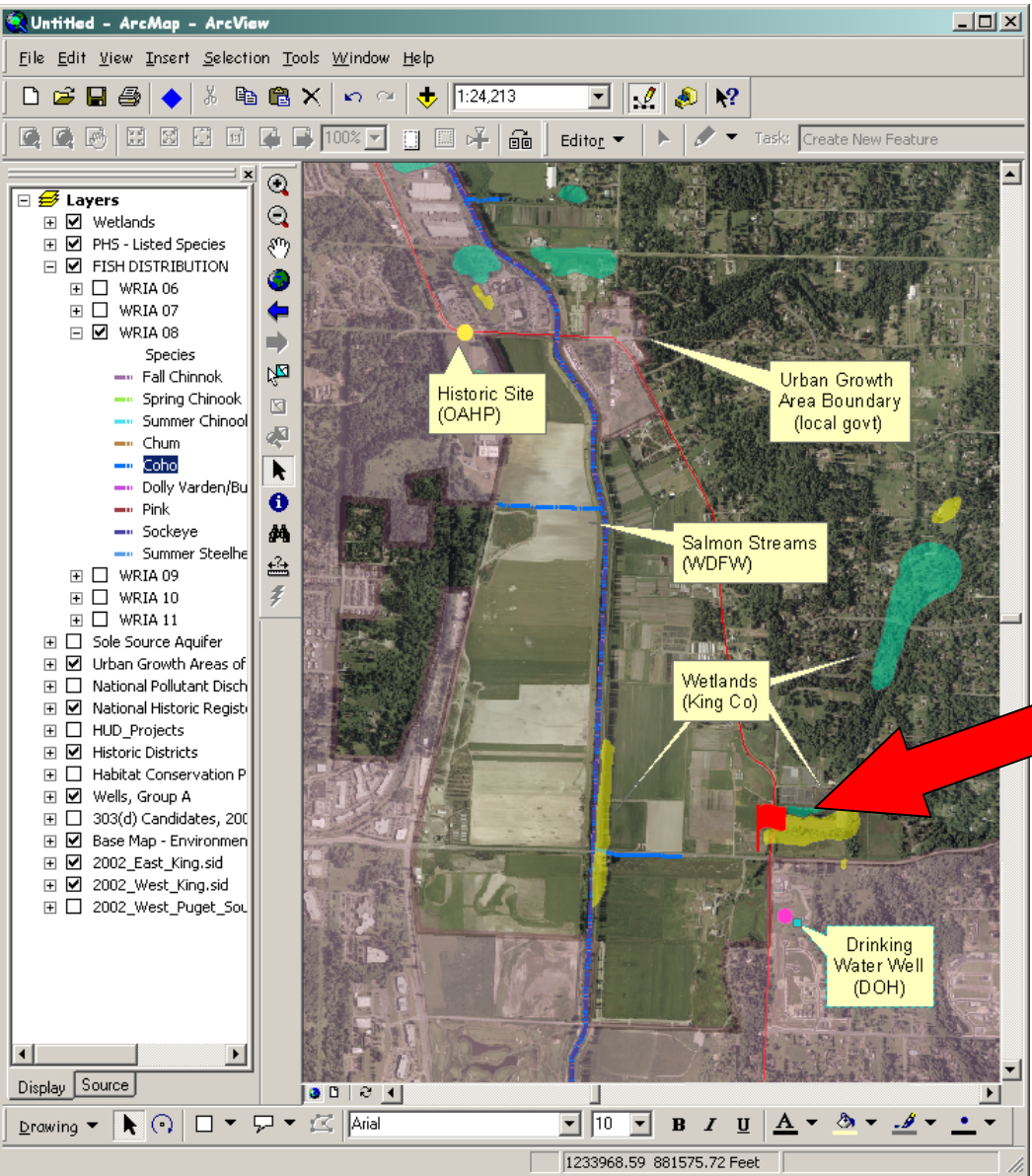
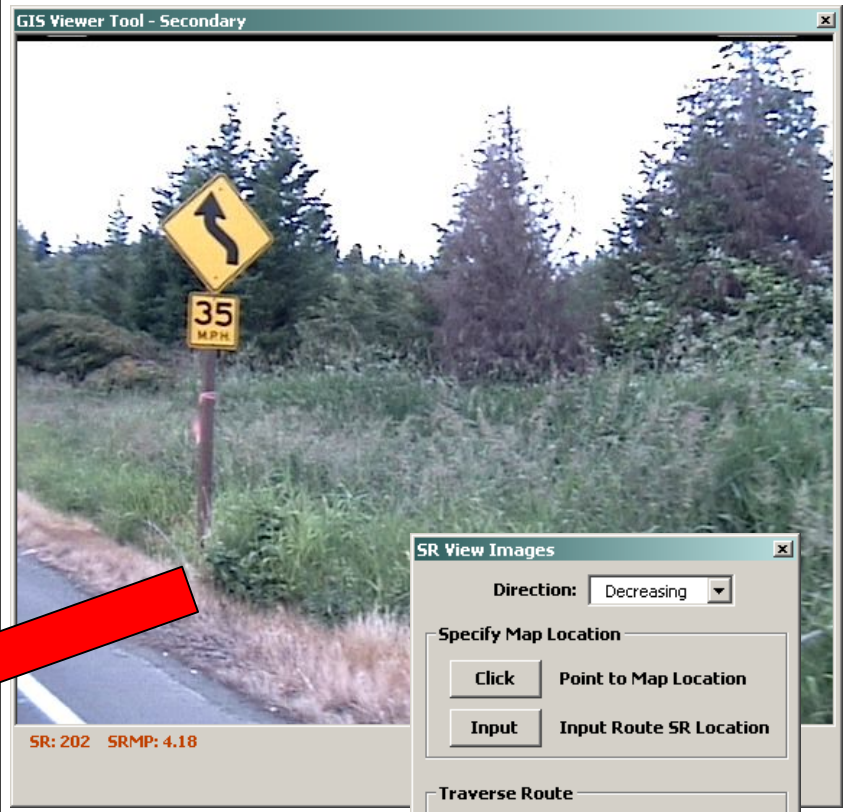
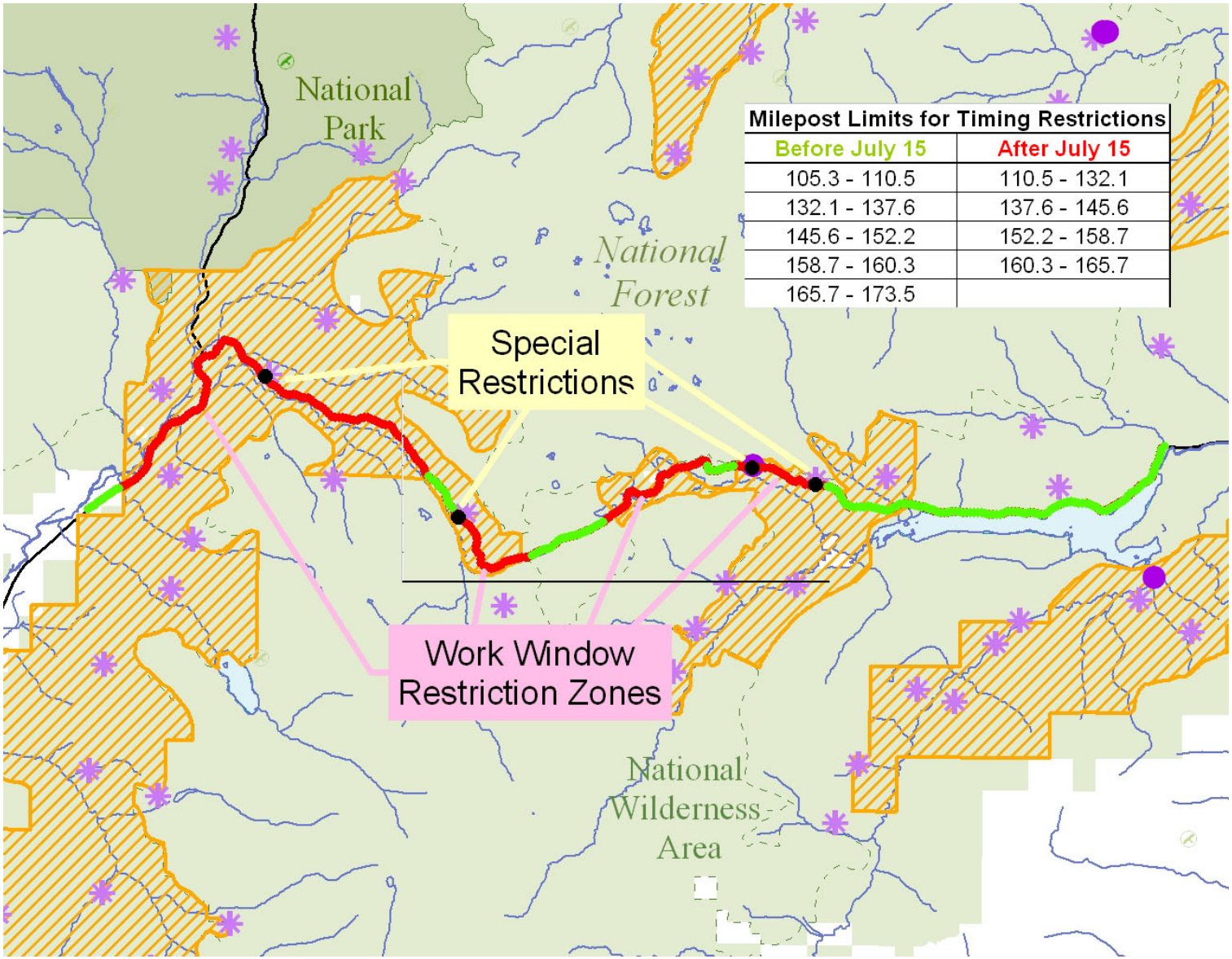
Screening Highway Projects for Environmental Issues During Project Planning

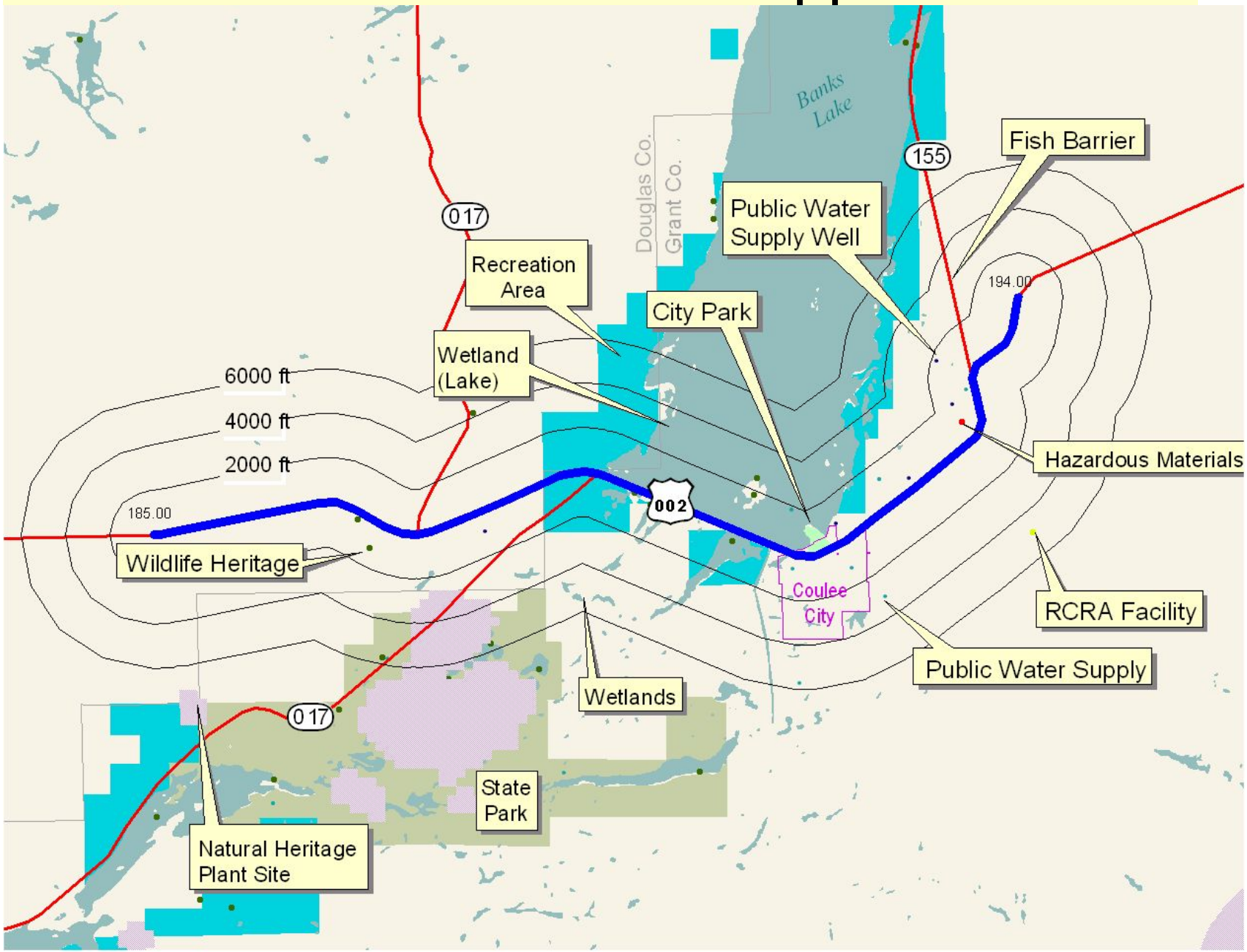




Endangered Species Act Compliance



Environmental Permit Applications



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Bob Grabhorn
GrabhoB@wsdot.wa.gov

Overview of Environmental Permitting for Transportation Projects

Steve Lerch, JLARC Analyst
Gary Walvatne, TechLaw Inc.
March 23, 2005

What is Environmental Permit Streamlining?

- Expedited transportation project delivery while being good stewards of the environment
- Streamlining Components:
  - Reduced Time
  - Reduced Cost
  - Maintain or Improve Environmental Performance

Scope of Review

- A pre-audit (overview of issues)
  - A review of permit streamlining activities in:
    - Washington State
    - 24 state DOTs
- The beginning of the audit process, to help TPAB consider detailed audit topics
- Some initial management recommendations to agencies, when practical and supportable

Summary of Findings: Washington

- National leader in permit streamlining
- Successes include:
  - Multi-Agency Permitting (MAP) Team;
  - On-line permit applications;
  - Programmatic permits for routine maintenance;
  - WSDOT liaison program.

Summary of Findings: Other States

- Interviews with 24 state DOTs
- Two common themes:
  - Create cultural change -- encourage creativity and non-traditional problem solving;
  - Create efficiencies through use of technology.

Washington Survey Results: Areas Requiring Further Attention

- Workload Forecasting
- WSDOT Liaison Program
- Highway Runoff
- "Talent Ruling" – 9th Circuit Court
- Signatory Agency Committee
- Design-Build Initiative
- Reader-Friendly Documents

Washington Survey Results: Areas Requiring Further Attention

- Inconsistent Funding
  - Failure to fund proposed initiatives
  - "Interrupted" funding
  - Start-and-stop funding
  - Low salaries create employee turnover
  - Inadequate funding for proposed mitigation alternatives for project impacts

Other States: Successful Initiatives

- Governmental affairs office to track legislation
- Interagency agreements
- Programmatic permits
- Funding resource agency positions
- Brief, concise, and legally-sufficient EISs
- Multi-agency planning and permitting teams
- GIS- and technology-based information management

Other States: Management Success Factors

- Sense of urgency
- Strong support from Executive and Legislative Branches

Other States: Lessons Learned

- Standardize data systems
- Use best-available scientific information to limit project field survey work
- Make preliminary environmental assessments prior to project development

Other States: Lessons Learned

- Create quality-improvement teams
- Re-design project-delivery processes
- Assess project risks continuously in terms of cost, scope, and schedule

Other States: Lessons Learned

- Secure consistent legislative commitment to streamlining initiatives within natural resource agencies
- Purchase right-of-way for environmental mitigation in advance of need
- Provide internships at FHWA headquarters for DOT staff

Review Conclusions

- Washington State is a national leader in permit streamlining
  - Compares favorably with other advanced streamlining programs
  - Review identifies initiatives with positive outcomes
  - Some activities too new to evaluate
  - Successful efforts in other states may hold promise for Washington

Management Recommendations

- **1:WSDOT should investigate FL, MN project delivery designs.**
- **2:WSDOT, Ecology, WDFW should consider standardizing GIS, other data to ease exchange.**
- **3:WSDOT, Ecology, WDFW should investigate use of “best available scientific data” as substitute for field survey work.**

Options for Future Audits/Reviews

- **A: Assess WSDOT progress in implementing environmental management system (delayed start).**
- **B: Determine impact of resource agency employee turnover on the permitting process.**
- **C: Identify additional performance measures for environmental permitting.**